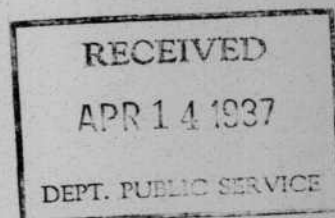


Fortieth Annual Report
OF THE
RAILROAD COMMISSION
OF THE
STATE OF FLORIDA

FOR THE YEAR 1936



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COMMISSIONERS

GEO. G. MCWHORTER, <i>Chairman</i> , Commissioner;	}	Aug. 17,
E. J. VANN, Commissioner;		1887, to
WILLIAM HIMES, Commissioner;		June 13,
JOHN G. WARD, <i>Secretary</i> .		1891.

(Commission was abolished by Act of Legislature, 1891; was re-created by Act of Legislature, 1897.)

R. H. M. DAVIDSON, <i>Chairman</i> , Commissioner;	}	July 1,
HENRY E. DAY, Commissioner;		1897, to
JOHN M. BRYAN, Commissioner;		Jan. 3,
J. L. NEELEY, JR. <i>Secretary</i> .		1899.

HENRY E. DAY, <i>Chairman</i> , Commissioner;	}	Jan. 3,
JOHN M. BRYAN, Commissioner;		1899, to
JOHN L. MORGAN, Commissioner;		Jan. 8.
J. N. NEELEY, <i>Secretary</i> .		1901.

HENRY E. DAY, <i>Chairman</i> , Commissioner;	}	Jan. 8,
(Henry E. Day resigned October 1, 1932, and was succeeded by R. Hudson Burr. At the same time John L. Morgan was elected Chairman for the rest of the term.)		1901, to
		Jan. 6,
		1903.

JOHN M. BRYAN, Commissioner;	}	Jan. 8,
JOHN L. MORGAN, Commissioner;		1901, to
J. N. NEELEY, <i>Secretary</i> .		Jan. 6,
(John L. Neeley resigned October 1, 1901, and Royal C. Dunn was elected as his successor.)		1903.

JEFFERSON B. BROWN, <i>Chairman</i> , Commissioner;	}	Jan. 6,
R. HUDSON BURR, Commissioner;		1903, to
JOHN L. MORGAN, Commissioner;		Jan. 3,
ROYAL C. DUNN, <i>Secretary</i> .		1905.

JEFFERSON B. BROWN, <i>Chairman</i> , Commissioner;	}	Jan. 3,
R. HUDSON BURR, Commissioner;		1905, to
JOHN L. MORGAN, Commissioner;		Jan. 8,
ROYAL C. DUNN, <i>Secretary</i> .		1907

R. HUDSON BURR, <i>Chairman</i> , Commissioner;	}	1907, to
JOHN L. MORGAN, Commissioner;		Jan. 4,
NEWTON A. BLITCH, Commissioner;		1909.
ROYAL C. DUNN, <i>Secretary</i> .		Jan. 8,

R. HUDSON BURR, <i>Chairman</i> , Commissioner;	}	Jan. 4,
NEWTON A. BLITCH, Commissioner;		1909, to
ROYAL C. DUNN, Commissioner;		Jan. 3,
S. E. COBB, <i>Secretary</i> .		1911.

(S. E. Cobb resigned Sept. 5, 1909 and J. Will Yon was elected as his successor.)

R. HUDSON BURR, <i>Chairman</i> , Commissioner;	}	Jan. 3.
NEWTON A. BLITCH, Commissioner;		1911, to
ROYAL C. DUNN, Commissioner;		Jan. 7,
J. WILL YON, <i>Secretary</i> .		1913.

R. HUDSON BURR, <i>Chairman</i> , Commissioner;	}	Jan. 7,
NEWTON A. BLITCH, Commissioner;		1913, to
ROYAL C. DUNN, Commissioner;		Jan. 5,
J. WILL YON, <i>Secretary</i> .		1915.

R. HUDSON BURR, <i>Chairman</i> , Commissioner;	}	Jan. 5,
NEWTON A. BLITCH, Commissioner;		1915, to
ROYAL C. DUNN, Commissioner;		Jan. 2,
J. WILL YON, <i>Secretary</i> .		1917.

(J. Will Yon resigned August 1, 1917, and Lewis G. Thompson was elected as his successor.)

R. HUDSON BURR, <i>Chairman</i> , Commissioner;	}	Jan. 2.
NEWTON A. BLITCH, Commissioner;		1917, to
ROYAL C. DUNN, Commissioner;		Jan. 7,
LEWIS G. THOMPSON, <i>Secretary</i> .		1919.

R. HUDSON BURR, <i>Chairman</i> , Commissioner;	}	Jan. 7,
NEWTON A. BLITCH, Commissioner;		1919, to
ROYAL C. DUNN, Commissioner;		Jan. 4,
LEWIS G. THOMPSON, <i>Secretary</i> .		1921.

R. HUDSON BURR, <i>Chairman</i> , Commissioner;	}	Jan. 4.
NEWTON A. BLITCH, Commissioner;		1921, to
A. S. WELLS, Commissioner;		Jan. 2,
LEWIS G. THOMPSON, <i>Secretary</i> .		1923.

Note—Royal C. Dunn was not a candidate for re-election.

Note—Newton A. Blitch died on October 30, 1921, and was succeeded by Hon. A. D. Campbell, effective November 12, 1922.

R. HUDSON BURR, <i>Chairman</i> , Commissioner;	}	Jan. 7,
A. D. CAMPBELL, Commissioner;		1923, to
A. S. WELLS, Commissioner;		Jan. 2,
LEWIS G. THOMPSON, <i>Secretary</i> .		1925.

Note—A. D. Campbell died on February 10, 1924, and was succeeded by Hon. E. S. Matthews, effective February 25, 1924.

R. HUDSON BURE, <i>Chairman</i> , Commissioner;	}	Jan. 7,
E. S. MATTHEWS, Commissioner;		1925, to
A. S. WELLS, Commissioner;		Jan. 4,
LEWIS G. THOMPSON, <i>Secretary</i> .		1927.

A. S. WELLS, <i>Chairman</i> , Commissioner;	}	Jan. 4,
E. S. MATTHEWS, Commissioner;		1927, to
*R. L. EATON, Commissioner;		Jan. 8,
LEWIS G. THOMPSON, <i>Secretary</i> .		1929.

*Died February 27, 1927, and was succeeded by Mrs. R. L. Eaton, under appointment by the Governor for the unexpired term.

*A. S. WELLS, <i>Chairman</i> , Commissioner;	}	Jan. 8,
EUGENE S. MATTHEWS, Commissioner;		1929, to
MRS. R. L. EATON, Commissioner;		Jan. 6,
LEWIS G. THOMPSON, <i>Secretary</i> .		1931.

*A. S. Wells died December 16, 1930, and was succeeded by L. D. Reagin, appointed by the Governor to serve for the unexpired term.

EUGENE S. MATTHEWS, <i>Chairman</i> , Commissioner;	}	Jan. 8,
MAMIE EATON-GREENE, Commissioner;		1931, to
*L. D. REAGIN, Commissioner;		Jan. 6,
LEWIS G. THOMPSON, <i>Secretary</i> .		1933.

*L. D. Reagin resigned and Tucker Savage was issued a commission on July 6, 1931, appointing him to serve for the unexpired term.

EUGENE S. MATTHEWS, <i>Chairman</i> , Commissioner;	}	Jan. 3,
MAMIE EATON-GREENE, Commissioner;		1933, to
*W. B. DOUGLASS, Commissioner;		Jan. 8,
LEWIS G. THOMPSON, <i>Secretary</i> .		1935.

*Tucker Savage, appointed to fill unexpired term of L. D. Reagin, was not a candidate for re-election.

W. B. DOUGLAS, <i>Chairman</i> ;	}	Jan. 8,
EUGENE S. MATTHEWS, Commissioner;		1935, to
JERRY W. CARTER, Commissioner;		Jan. 6.
*LEWIS G. THOMPSON, <i>Secretary</i> .		1936.

Commissioner JERRY W. CARTER was elected chairman for the year 1937.

*Lewis G. Thompson resigned July 3, 1936, and George L. Patten was elected as his successor.

FLORIDA RAILROAD COMMISSION

Tallahassee, Florida

LETTERS OF TRANSMITTAL

March 1, 1937.

To His Excellency,
Fred P. Cone,
Governor of Florida

In accordance with the provisions of the Statutes, we transmit herewith the report of the Railroad Commission of the State of Florida for the calendar year, 1936.

Respectfully submitted,

JERRY W. CARTER, Chairman,
W. B. DOUGLASS, Commissioner,
EUGENE S. MATTHEWS, Commissioner.

GEORGE L. PATTEN,
Secretary.

EDITORIAL

REFRIGERATION CHARGES

The Interstate Commerce Commission conducted a hearing with respect to refrigeration rates and charges on perishables from and to all points of the United States except from the Southeastern States to official and central freight classification territories, which comprise those States North of the Ohio River and East of the Mississippi River. Hearings in connection with this case were commenced in San Francisco in March, 1933, and concluded in that City in August, 1935.

Florida shippers were primarily interested in this case because of the principles to be observed and the methods to be employed in determining the cost of each element of service making up the refrigeration charge. Since the same principles would apply to prescribing refrigeration charges from Florida points of origin to Central Freight Association and other territories, Florida shippers are also interested in the prescribing of rates from competitive producing areas.

Mr. Fred Pettijohn, our Accountant, represented the Commission and also the Growers and Shippers League of Florida at all of the hearings held after November, 1933, participated with the Counsel of the Growers and Shippers League in writing all of the briefs filed and also argued this case before the Interstate Commerce Commission.

In January, 1935, the Growers and Shippers League of Florida filed a petition with the Interstate Commerce Commission for further hearing in Docket 17936 for the purpose of having that Commission prescribe refrigeration charges on fruits, berries, vegetables and melons from Florida to Central Freight Association territory composed of States North of the Ohio, East of the Mississippi and West of the Buffalo-Pittsburgh line.

The Florida Railroad Commission intervened in this proceeding and was represented by its Accountant who took an active part in the analysis of the carriers' testimony and exhibits. Mr. Pettijohn assisted in conducting cross examination of the carriers' witnesses and in preparing and presenting evidence and schedules showing the proper charges to apply in the movement of perishables to Central Freight Association destinations. He also cooperated with the Counsel of the Growers and Shippers League in preparing a comprehensive and analytical brief dealing with the evidence of the record. This brief was filed in July, 1935.

The present charges to Central Freight Association destination groups are from \$11.25 to \$17.50 in excess of those advocated

by this Commission's accountant. The proposed report in this proceeding is expected to be filed in May or June, 1936, after which time oral argument will be heard by the Interstate Commerce Commission and an order issued.

The Commissioners anticipate that the present rates from Florida to destinations in Central Freight Association territory will be materially reduced and wider distribution of Florida perishables will be obtained as a result of this proceeding.

The Examiner who heard this case has rendered his proposed report. If the Interstate Commerce Commission sustains this report the result will be a decrease in the refrigeration charges from Florida to the territory involved of from \$4.00 to \$9.00 per car. In addition the Examiner recommended reparation on past shipments.

The recommendations of the Examiner are not final. The entire matter has to be passed upon by the Interstate Commerce Commission.

JURISDICTION OVER WATER LINES

Statute 6702 of Florida, in the definition of the term "Common Carrier" provides that the Commission shall have jurisdiction over "all companies and any person or persons owning and operating steamships engaged in the transportation of freight or passengers from and to ports within this State." It also provides that the Commission shall have jurisdiction over "all companies or any person or persons owning and operating steamboats used in the transportation of freight or passengers upon the rivers or inland waters in this State, and also all boats or vessels of ten tons net or over and propelled by gasoline, kerosene, fuel oil or any such like propelling products running *from a coastal port to a coastal port* in this State used in the transportation of freight or passengers for hire." (*Italic added.*)

It had been contended by operators of boat lines, particularly on the St. Johns River, that the Railroad Commission only had jurisdiction over boats that were propelled by steam, which raised the question as to what was meant by the term "from a coastal port to a coastal port."

After considerable research and study Counsel for the Commission rendered a written opinion, which was printed in full in our 1934 Annual Report. The opinion is too long to be repeated here. However, based upon this opinion the Commission made the following finding:

"That the Railroad Commission of the State of Florida has specific authority under the statutes to regulate traffic upon the East Coast Canal."

"That the St. Johns River and the East Coast Canal are "coasting waters" and that the points or ports on such waters can be reached by navigable waters from the sea and are, therefore, coastal ports within the meaning of Section 6702, Compiled General Laws of Florida, 1927."

ST. JOHNS RIVER LINE CASE

The jurisdiction of the Commission having been determined and fixed by the Order under Docket No. 1219, referred to above, the St. Johns River Line Company, by petition dated April 1st, 1935 invoked the authority of the Railroad Commission of Florida to fix, and to adjust in relation to the rates of competing forms of transportation, the class and commodity rates for the carriage of property over through water-truck routes between points on the St. Johns River served by its water line, on the one hand, and points south of Orlando, served by its truck line under Certificate No. 39 and connecting truck lines on the other hand. Its truck line operations, under Certificate No. 39 were those which formerly were operated by the McLeod Line, extending between Sanford and Tampa and which were purchased by the St. Johns River Line as an adjunct to its St. Johns River operations.

The St. Johns River Line's petition was not restricted to its own lines, but embraced other carriers conducting the same class of water-truck service between points on the St. Johns River on the one hand and points south of Orlando on the other hand. This area is hereinafter referred to generally as the "affected area," to differentiate it from local St. Johns River points and from the area served by the water-truck routes between St. Johns River points on the one hand and interior points, Orlando and north thereof on the other hand, not including the operations by Certificate No. 39.

The St. Johns River Line's petition, and a similar petition, filed April 6, 1935, on behalf of Star Truck Line and A. B. C. Transfer Company, engaged in the operation of a through water-truck route between St. Johns River points on the one hand and points in the affected area on the other hand, alleged that the rates of the water-truck lines must be fixed at differentials under the rates of the all-truck and all-rail lines between competitive points, so as to reflect the lower cost of the service on the water portion of the through water-truck routes, and the

less value of the slower water-truck services to the shippers in order that these water lines might survive and in order to preserve competition between the water and land carriers generally.

These petitions bring in issue not only the measure or quantum of the water-truck rates in the affected area, but also the relationship between the water-truck rates on the one hand and the rail, express and truck rates on the other hand where the water-truck routes compete with the several kinds of land carriers in the affected area.

These petitions do not bring in issue the local rates of the water lines between points on the St. Johns River, or water-truck rates between points on the river, on the one hand, and Orlando and points north thereof, on the other hand. Although the affected area under consideration here is limited, the rate-making principles here brought before this Commission, as a case of first instance, attracted state-wide interventions of numerous associations, ports, industries and businesses, which are interested in the development of water transportation, in the realization that the findings and conclusions upon the issues here presented would have a marked effect and influence upon the future freight-rate structure of all common carriers in Florida.

Central Truck Lines, Inc., which operates through truck services in competition with the water-truck routes and rail routes between St. Johns River points, such as Jacksonville, and points in the affected area south of Orlando, intervened at the hearing. It had during the year 1934 filed an application for a general reduction of approximately 15% in its class rates, which application is still pending. At the outset of the hearing in this proceeding Central Truck Lines asked that its petition for reductions be considered in connection with the issues raised here, and joined in the prayer of the St. Johns River Line "for a general investigation of intrastate class and commodity rates between Jacksonville and all South Florida points served by it, and for such reduction in rates as the Commission may in its discretion fix and determine as proper and reasonable to be charged by the petitioner and by your intervenor and all other auto transportation companies serving said points and territory." Central Truck Lines, Inc., contended that the existing level of rates by truck and by rail in Florida south of the Jacksonville River Junction Line of the Seaboard, based upon the rate scales prescribed by the Interstate Commerce Commission for all other southern states plus the Florida arbitraries, resulted in an unreasonably high level of rates and "adversely affected" the truck lines; that the Florida arbitraries approxi-

mated fifteen percent above the southern scales; that the conditions which caused the addition of the Florida arbitraries to the southern scales for rail carriers had no application to truck carriers; and that the existing level of rates resulted in unreasonable profits to the truck lines.

Prior to the decision of the Interstate Commerce Commission in Southern Class Rate Investigation, 100 I. C. C. 513. Docket No. 13494, rates to and from the Florida peninsular were made on the Jacksonville combination. The Interstate Commerce Commission found in that case that the making of rates on the Jacksonville combination was merely an arbitrary device for enhancing revenue, and in prescribing class rates it found that the maximum reasonable class rates for interstate application on standard lines between points in the Florida peninsular south of the line of the Seaboard Air Line Railway from Jacksonville to River Junction on the one hand, and other points in southern territory on the other, were rates to be determined by the Appendix K plus arbitraries in Appendix L. Later on, and upon petition of southern carriers, the Commission in its second supplemental report on reconsideration in 113 I. C. C. 206 of the text prescribed what is known and referred to as Appendix K-2 distance scale of rates.

Upon various petitions seeking modifications of the findings of the Commission in previous reports in its third supplemental report on reconsideration, 128 I. C. C. 567, it prescribed Appendix L-2 arbitraries established on the basis of about 15% of the scale rates in the case of distances greater than 150 miles.

This Commission has never agreed with the Interstate Commerce Commission in its right to prescribe arbitraries for peninsular traffic, and in its decision the Interstate Commerce Commission said with respect to the addition of the Florida arbitrary (100 I. C. C. 585):—

"The Railroad Commission of Florida criticizes the proposal of the carriers to draw an arbitrary line from River Junction to Jacksonville and to charge rates to points south of this line, combining factors to and from Jacksonville. On brief this proposition is thus stated: The shippers of Florida contend that whatever mileage scale is adopted as a result of this investigation by the Interstate Commerce Commission for application generally throughout the southeast should be applied to and from points in Florida."

In its original decision in Southern Class Rate Investigation, in which case arbitraries were first assigned on traffic moving

to and from peninsular Florida, the Interstate Commerce Commission stated that by reason of less traffic density per mile of road and less tonnage per train mile obtaining in peninsular Florida than in other southern territory were facts and circumstances that warranted a higher level of rates for peninsular Florida.

In view of this situation it became apparent that if the Florida arbitraries have no place in the truck rate structure, they have no place in the water-truck rate structure, and that it would be necessary to fix reasonable base rates upon which to construct a fair relationship between water-truck rates and all-truck rates in the affected area. If, as contended by the St. Johns River Line, the water-truck rates should be differentially related to and less than the rates of the land carriers it would be useless to prescribe a relationship of water-truck rates to existing rail rates and at the same time grant the application of Central Truck Lines, Inc., for the elimination of the Florida arbitraries. The differential, if any, must necessarily be founded upon the truck rates or the rail rates, whichever is the lower. Otherwise the fixing of differentials would be of no practical effect.

When this situation had become apparent, the railroads suggested that it would be the "better part of wisdom for the Commission to broaden the issues in this case so as to accept evidence from all common carriers in Florida, whether it be truck, or rail, or a joint water and truck service, so that evidence can be taken on all views of it." This suggestion was followed, insofar as the affected area is concerned. Elliott-Young Consolidated and L. & L. Freight Lines objected to the expansion of the issues so as to include rates outside of the affected area.

The primary questions to be determined are as follows:

What level of water-truck rates over the St. Johns River Line and other lines in the affected area should be prescribed for the future? What relationship should be prescribed between the rates of the water-truck routes on the one hand and the truck and rail rates on the other hand in the affected area? What level of all-truck rates should the Central Truck Lines and others be permitted to establish in the affected area? And, should the application of the St. Johns River Line for improved time schedules be granted?

Extensive hearings were held during the period April 17th to May 24th, 1935, at Jacksonville and at Tallahassee, so as to afford all parties sufficient opportunity to be heard. The transcript contains 1646 pages of testimony and 134 exhibits were

filed. The Commission had the benefit of well prepared briefs from all parties. The able brief on behalf of Jacksonville Chamber of Commerce was of great assistance to the Commission in arriving at a solution of the many vexing questions contained in this case.

The water-truck lines urge the establishment of differentials which will preserve the general average of the prior relationship—water-truck rates under all-rail and all-truck rates—which has been in effect for a number of years. They join with a number of the larger associations of shippers in urging the prescription of a formula for the determination of water-truck differentials, patterned upon the water-land differential formula prescribed by the Interstate Commerce Commission and modified to fit the Florida water-truck situation.

This formula is known as the Ex Parte 96 formula (153 I. C. C. 129) and is the basis for rates prescribed by the Interstate Commerce Commission involving through routes and joint rates between Inland Waterways Corporation (Federal Barge Line) and rail lines.

We believe that there should be some modification in the Ex Parte 96 formula.

The modified Ex Parte 96 formula as approved by the Commission follows:

1. The water-truck routes, operating between points on the St. Johns River, on the one hand, and points south of Orlando on the other hand are hereby authorized, required and directed to operate through routes and maintain joint rates; except that

2. (a) No through route is necessary where the shortest all-rail distance via the lines of the rail carriers from point of origin to point of destination though the port of interchange with the water line exceeds by more than 40 per cent the shortest all-rail distance between such points of origin and destination;

- (b) No through route is necessary where the shortest all-rail distance between the inland point of origin or destination, as the case may be, and the port of interchange exceeds three-fourths of the shortest all-rail distance between point of origin and point of destination;

- (c) No watertruck route need be established except over the shortest "working" route, i. e., the shortest route regularly used for the transportation of freight traffic in general, between the inland point of origin or destination, as the case may

be, and the port of interchange over which the lowest corresponding rate between such points applies; and

(d) No water-truck route need be established if the water line and the interested truck carriers agree that it shall not be established.

In the determination of such through routes, origin and/or destination groups may be used, if the parties so agree, and in that event distances shall be figured from a centrally located point within the group. Where a point of origin or destination is not served by a rail line, but is served by truck or highway, the short-line highway distances shall be used.

3. Over each of the through-water-truck routes permitted in finding 2, the common carriers comprising such water-truck routes shall establish and maintain joint rates on all classes and commodities, which they hold themselves out to transport, constructed by deducting from the lowest through or joint-all-truck rate or all-rail rate contemporaneously applied on corresponding traffic by said common carriers by all-truck or all rail between the point of origin and point of destination via any route the following differentials, which we find to be just and reasonable differentials:

Where the excess under (a) in finding 2 is not more than 20% and the fraction under paragraph (b) in finding 2 is not greater than 2-5, 20% of the specific commodity rates in effect on the date of this order by all-rail or by all-truck whichever is lower between the ports between which the shipment is transported by the water line and 20% of the standard southern all-rail class and commodity rate scales, not including the Florida arbitraries, applies to the rail distance between the ports between which the shipment is transported by the water line; and in all other cases 10% of the specific commodity rates in effect on the date of this order by all-rail or by all-truck whichever is lower between the ports between which the shipment is transported by the water line and 10% of the standard southern all-rail class and commodity rate scales, not including the Florida arbitraries, applied to the rail distance between the ports between which the shipment is transported by the water line; *provided*, however, that no such joint commodity rate need be established where the corresponding all-truck or all-rail rate over the direct route from or to an interior point to or from a port of destination or origin involves at intermediate points departures from the long-and-short haul provision, nor if the water line and the interested truck carriers agree that no such joint commodity rate shall be established; and *provided*, further, that no joint water-truck rate established under these findings

from or to any given point of origin or destination need be lower than the corresponding all-rail or all-truck rate between such point of origin or destination and the port of interchange. It should be understood that if the all-truck or all-rail rates on classes other than first or on commodities are determined by applying percentages to the corresponding first-class rates, the joint rates prescribed in this section may be determined by first ascertaining the water-truck first-class rate and applying the appropriate percentage thereto.

In computing differentials under this formula where the fraction is less than $\frac{1}{2}$ or .50 of a cent omit the fraction. Where the fractions are $\frac{1}{2}$ or .50 of a cent or greater increase the differential to the next whole figure.

5. It is further ordered that the through routes prescribed in finding 2, the joint rates and differentials prescribed in finding 3, and the rules, regulations, practices, etc., prescribed in finding 4 shall remain in force until changed by our order.

IT IS FURTHER ORDERED that Central Truck Lines, Inc., is hereby authorized and directed, and all other truck lines are hereby permitted, to cancel all existing rates for the transportation of property between points on the St. Johns River on the one hand, and points south of Orlando, on the other hand where such all-truck lines serve points which are competitive with the water-truck routes designated in the preceding paragraphs of this order, which all-truck rates of the Central Truck Lines are found to be unjust and unreasonable to the extent that they include Florida arbitraries in addition to the standard southern scales; and Central Truck Lines, Inc., is hereby authorized and directed, and all other truck lines are hereby permitted to establish, on or before July 25, 1935, upon notice to this Commission and to the general public by not less than 5 days' filing and posting in the manner prescribed in the laws of Florida, all-truck rates between points on the St. Johns River on the one hand and points south of Orlando on the other hand where such all-truck lines serve points which are competitive with the water-truck routes designated in the preceding paragraphs of this order, which shall not exceed the class rates determined by use of the southern class rate K-2 scale, not including the Florida arbitraries, and southern commodity rate scales, not including any Florida arbitraries; and said truck lines are hereby directed to make no further or other changes in the rate herein prescribed for all-truck lines which would eliminate or reduce the spread between the all-truck rates and the water-truck rates resulting from the application of the Water-Truck Differential Formula and the all-truck rates prescribed in this order.

This is probably the most important case that has been decided by the Florida Railroad Commission in the past several years. It not only prescribes definitely the exact basis for water-truck rates on the St. Johns River, but gives to shippers in the prescribed area the benefit of cheaper water transportation where such transportation is a part of the through movement.

THE FLORIDA ARBITRARIES

The authority issued to Central Truck Lines in the St. Johns River Line case, referred to above, to abolish the Florida arbitrary and put its rates on the flat K-2 scale, was followed by similar action on the part of all other truck lines, operating south of the Jacksonville River Junction line of the Seaboard Air Line Railway.

By November 15th, 1935, all rail carriers operating south of the Jacksonville-River Junction line, removed the Florida arbitrary on intrastate traffic on classes 1 to 7 inclusive, and on articles rated 35% of first class or higher in Southern Classification, and exceptions thereto.

It is therefore correct to say that the Arbitrary has been removed on all Florida intrastate traffic, classes 1 to 7 inclusive and on articles rates 35% of first class or higher.

The Commissioners are of the opinion that Florida shippers are to be congratulated on the outcome of this investigation.

REVISION OF RATES ON STONE

Mr. J. E. Tilford, Agent, representing Florida Rail carriers, by his Application No. 81, dated Jan. 8, 1935, made application to the Commission for authority to cancel all existing local, joint and proportional commodity rates and classification exceptions on Stone, natural or cast, including monuments and tombstones, and artificial stone, carload and less, between points in Florida.

After formal hearing under Docket No. 1258, the Commissioners found that the rail carriers had justified the proposed revision with the following exception:

Exception: No change shall be made in the current carload rates and minimum weights on natural, cast or artificial building stone or blocks, and no change shall be made in the rates on stone of any kind now embraced in the Roadway Material List.

It developed that there is quite an industry in Florida in the manufacture of cast or artificial building stone or blocks, and it was found that the rates were too high for that kind of stone. So, as to cast or artificial building stone, the application was denied.

CARLOAD MINIMUM WEIGHTS ON ASPHALT

By Order No. 1224, issued Feb. 25, 1936, the Commission authorized approval of J. E. Tilford's Florida Intrastate Application No. 85, revising rates on Asphalt between points in Florida with a carload minimum weight of 50,000 pounds when in drums or barrels, and the capacity of the tank car when loaded in tank cars.

It developed from the evidence that these minima are too high on Florida intrastate traffic. There are many movements of small cars of Asphalt consigned to grade crossing jobs, State Road Department patch work and municipal improvements. It further developed that if these minima are continued in effect the State Road Department and road contractors generally will be compelled to provide themselves with tank trucks to handle these small car shipments, and it is their testimony that if that investment has to be made to handle the small carloads, they will handle the larger cars by truck as well, thereby diverting this traffic entirely from the rail lines.

In view of this testimony the Commissioners ordered that the carload minimum weight on Asphalt, in barrels or drums and in tank cars shall be 24,000 pounds.

CHARGES FOR PROTECTIVE SERVICE TO PERISHABLE FREIGHT

By letter dated August 6, 1936, the Commission authorized rail carriers in Florida through their National Perishable Freight Committee to publish and maintain the same charges on intrastate traffic as were prescribed by the Interstate Commerce Commission on interstate shipments of perishable freight in its Order in I. C. C. Docket No. 20769, Charges for Protective Service to Perishable Freight, issued June 2nd, 1936. It later appeared that the Interstate Commerce Commission, by its Order dated September 29, 1936, had vacated and set aside that portion of its Order, dated June 2, 1936, requiring the establishment, maintenance and application of the charges

under Section 4 of the Perishable Protective Tariff as prescribed in said Order, except that the Section 4 charges so prescribed shall continue in effect as the basis for billing and settlement in accordance with the provisions of Section 2 of Rule 238, as set forth in Supplement No. 26 to the said Perishable Protective Tariff, Agent Dearborn's ICC No. 7.

In view of this action by the Interstate Commerce Commission the authority contained in letter of August 6, 1936, to publish and maintain the same charges on intrastate traffic as were prescribed for interstate traffic in the Order of the Interstate Commerce Commission issued on June 2, 1936, be cancelled and revoked, and Florida rail carriers were required to restore and re-establish the charges on Section 4 traffic in Florida that were in effect on Sept. 9, 1936, and to apply Section 4 charges for intrastate traffic for which they were applicable on Sept. 9, 1936.

PAYMENT OF INTEREST ON TELEPHONE DEPOSITS

The Commission, having under consideration the matter of the payment by Telephone Companies of interest on all deposits and advances required to be made by its subscribers, by Order No. 1232, Found and Ordered as follows:

"All deposits which the Company requires the subscriber to make as a guarantee of good faith on the part of the telephone subscriber shall bear interest at the rate of 6% per annum to begin and run from the date said deposit is required to be made.

"All advance payments required to be made for telephone service shall bear interest at the rate of 6% per annum, to begin and run thirty days after such advance payments are made; Provided that such advance payments when voluntarily made by the subscriber, and for his own convenience, shall bear no interest."

NEW TRUCK CLASSIFICATION

On the 12th day of February, 1935, the Commission issued Notice No. 494, setting down the application of Common Carrier Motor Freight Carriers for authority to adopt Florida Motor Freight Classification No. 3.

Under date of Feb. 22nd by Notice No. 494-A the hearing set under Notice No. 494 was postponed until further notice. Under Notice No. 494-A the Commissioners appointed the following truck lines as a committee to prepare a proposed Truck Classification No. 3:

L. & L. Feight Lines, Inc.

Elliott-Young-Consolidated.

Star Truck Line.

Tamiami Trail Tours.

Central Truck Line, Inc.

Coast to Coast System, Inc. (Now Great Southern Trucking Co.)

St. Johns River Line Company.

This Committee was charged with the duty of preparing a tentative Classification and submitting same to the Commission.

This Committee was also directed to consult with all Common Carrier motor freight carriers under the jurisdiction of the Commission and arrange for the employment of a competent and experienced Rate Agent, costs to be assessed among common carrier motor carriers on some equitable basis. The Commission notified common carrier truck lines that all proposed rate tariffs and changes in classification would be required to be submitted through this central agency. The following quotation is from Notice No. 494-A:

"The purpose of adopting a revised Classification and the creation of a Central Rate Bureau is to simplify, clarify and unify publication of rates and ratings, and the Commission will expect to receive full co-operation of the carriers in this objective."

The application to cancel Florida Motor Freight Classification No. 2, and to substitute therefor a new Classification No. 3, automatically made this proceeding a rate publication matter as well as a Classification matter for the reason that Classification No. 2 contained *Rates* as well as *Ratings*.

The Committee was organized, as suggested by the Commission, and Mr. L. A. Raulerson, of the Great Southern Trucking Co., was made Chairman. Later Mr. Raulerson resigned as Chairman on account of his duties in connection with Southern Motor Carriers Rate Conference and Mr. J. H. Elliott, of Elliott-Young Consolidated, was made Chairman. Mr. J. B. Dempsey was made Agent of the Bureau, with headquarters in Tallahassee. Mr. Dempsey served until he was made Agent of the Southern Motor Carriers Rate Conference in Atlanta, Ga. Mr. Dempsey immediately went to work on the preparation of a

new Classification. In the meantime a committee of the American Trucking Association, a nation-wide organization, was working on a Classification.

The American Trucking Association Committee completed and published Classification VR-1, applying on volume ratings and L. T. L.-1, applying on less than truck load shipments. The committee referred to above then discarded the work done by Mr. Dempsey and presented to the Commission for approval National Motor Freight Classifications LTL-1 and VR-1, as published by Agent Jackson, of the American Trucking Association Tariff Bureau.

Under Notice No. 517 a hearing was had on these two Classifications in Tampa, Fla., on April 2nd, 1936, and a further hearing was held in Tampa on April 2nd, 1936.

In the meantime Agent Jackson had issued his Motor Vehicle Classification No. 2, canceling his LTL-1 and VR-1, publishing all ratings in the one classification. Therefore, automatically, the subject before the Commission was the adoption of Jackson's National Motor Freight Classification No. 2 instead of VR-1 and LTL-1.

The Commissioners have voted to adopt National Motor Vehicle Classification No. 2 on Florida intrastate traffic, but it will not be made effective by Order until the date when the re-publication of Truck Rates, now under consideration becomes effective.

Effective July 1st, 1936, Mr. I. T. Williams was made Agent of the Florida Motor Bureau, with headquarters in Tallahassee, Florida.

RE-PUBLICATION OF MOTOR TRUCK RATES

As stated above, the publication of a new Classification and the Cancellation of Florida Motor Freight Classification No. 2 will make it necessary to re-publish the rates as carried in Motor Freight Classification No. 2. This called the attention of the Commissioners to the chaotic condition of the freight tariffs of common carrier Motor Vehicles, and it became imperative that these tariffs be brought forward in one publication, as far as it could be done in order to "simplify, clarify and unify" the publication of these rates in the State of Florida.

By Notice No. 532, hearing of this matter was held in Tampa, Fla., on December 8, 9 and 10. Since that hearing Agent Wil-

liams of the Motor Bureau has been busy compiling and getting ready for the printer the proposed codification and simplification of freight rates for Common Carrier truck lines. When the final draft of this proposed tariff was submitted, the Committee appointed by the Commission and individual truck lines registered strong protests with reference to certain of its provisions, the proposed treatment of the St. Johns River Line Company being the principal cause of disagreement.

The Commissioners held an informal conference with the St. Johns River Line on January 14th and with the Committee and representatives of other truck lines on Jan. 27th and 28th, in an effort to straighten out these differences.

The Commissioners have as yet made no formal decision on this question.

TRAFFIC CIRCULARS

Below are printed several Traffic Circulars issued by the Commission from time to time. These are given as examples of what is constantly coming before the Commission. To include all of them would unduly burden this Report.

Feb. 21, 1936.

TRAFFIC CIRCULAR NO. 32

Pursuant to hearing held at Orlando, Florida, on February 11th, 1936, the Commissioners hereby authorize the following disposition of matters heard on that date:

J. E. Tilford, Chairman.

Application No. 128, seeking authority to cancel all rates on MILK or CREAM, fresh or evaporated, C. L. and less carload, in freight service between points in the State of Florida and to apply in lieu thereof Southern Classification ratings. (Not to apply on Milk or Cream handled in passenger train service.) This Application is APPROVED.

Application No. 126, seeking authority to cancel all existing carload and less than carload Commodity Rates and Classification Exceptions on the Commodities named below, and to apply in lieu thereof Southern Classification ratings:

Aqua Ammonia.	Hoofs and Horns.
Beverages, Alcoholic.	Wagons and Carts.
Plaster, Fireproofing.	Trunks, empty or filled
Shingles, Metal.	with empty Valises.

This Application is APPROVED.

Application No. 129, seeking authority to cancel all existing carload and less than carload Commodity rates and Florida Classification Ratings on Cantaloupes, Muskmelons and Honeydew Melons between points in the State of Florida, and to apply Southern Classification ratings.

This Application is APPROVED.

Application No. 134, seeking authority to amend the Fertilizer Material list as shown in Item 85-B, Supplement No. 11, of Florida Classification No. 9, by eliminating there from Tobacco Stems (ground or not ground), on which 75% of Class "M" rating is now applicable, between points in the State of Florida, and to apply in lieu thereof straight Fertilizer Rates.

This Application is DENIED.

Application No. 132, seeking authority to cancel all existing carload Commodity Rates on Clay or Kaolin, crude or ground, between points in the State of Florida, and to apply in lieu thereof 16% of First Class, (see exception).

Exception: Rates now published on Fire Clay, ground, where included in list of articles taking Brick rates are not here proposed to be canceled.

This Application was amended at the hearing to provide for the continuance of the present rate on Kaolin Clay, to Jacksonville, Miami, Orlando, Pensacola and Tampa, Florida.

The Application as amended is approved, as to Kaolin Clay, but is not approved as to Common Clay for road building purposes.

Seaboard Air Line Railway

Application for authority to publish on Wrapping Paper and Paper Bags, straight or mixed carload, minimum weight 36,000 pounds from Jacksonville, Fla., to the points listed below, the following rates in cents per 100 pounds:

West Palm Beach, Fla.	38½
Tampa, Fla.	32
Orlando, Fla.	28
Pensacola, Fla.	37½
Miami, Fla.	43

At the hearing this Application was amended by eliminating Miami from the list of points.

The Application, as amended, is APPROVED, as to the Seaboard Air Line, and as to the F. E. C. Ry., and A. C. L. R. R. to the extent to which those lines are interested.

Application for authority to cancel intrastate mileage rates between points in Florida, published in S. A. L. Ry., I. C. C. 354 (GF&A Ry. series), Florida Local Tariff No 5, as set forth below:

Classes 5, 6, A, F, K, L, M, N, O, P, R, G and V.

Lime, other than Carbide and Chloride.

Plaster, Land, carload.

Cement Building Blocks, including Tile, C. L.

Logs and Short Length Blocks, C. L.

Vegetables, C. L.

Cottonseed, C. L., and Empty Barrels, C. L., between Quincy and Tallahassee, Florida.

This Application is APPROVED.

**Louisville & Nashville Railroad.
St. Louis-San Francisco Railway.**

Joint Application for authority to revise Switching Charges as outlined in the Application.

This Application was withdrawn prior to the hearing.

J. E. Tilford, Chairman.

Application No. 130, seeking authority to cancel all existing Commodity Rates on Glass, common, between points in the State of Florida, and to apply in lieu thereof Southern Classification ratings.

This Application is APPROVED.

The rates and ratings above authorized may become effective on the dates they have been filed with this Commission in proper tariff form.

June 10, 1936.

TRAFFIC CIRCULAR NO. 34

Pursuant to Notice issued May 29, 1936, the following matters came on for hearing before the Railroad Commissioners of the State of Florida at 10 o'clock, A. M., on Tuesday, June 9, 1936, and there appeared at said hearing the following:

F. E. Harrison, Jr., State Road Department; Thos. D. Guthrie, of the Jacksonville Traffic Bureau; W. S. Robinson, A. C. L. Railroad; W. E. Nance, Nance Manufacturing Co.; W. M. McGill, and W. T. Hargrett, of the L. O. P. & G. R. R., and W. T. Hendry, of Perry, Fla.

All parties desiring to be heard were fully heard, under oath, and the following disposition is authorized by the Commissioners on said matters, as detailed below:

Live Oak, Perry & Gulf Railroad

Application for authority to publish a switching charge of \$4.25 per car at Live Oak, Fla., between warehouses or industries located on the tracks of the Live Oak, Perry & Gulf Railroad and interchange with connecting lines.

The Commissioners are of the opinion that the petitioners did not justify the application of a switching charge of \$4.25 at Live Oak, Fla., and the petition is therefore DENIED.

J. E. Tilford, Chairman

Florida Intrastate Application No. 137, seeking authority to amend the carload Drugs and Medicine list in Item 600 of Note B Exceptions 14 to Southern Classification by eliminating therefrom the entry reading "GELATINE, N. O. I. B. N., in Southern Classification.

This application is APPROVED.

Application No. 138, seeking authority to revise rates on MACHINERY, all kinds, within the State of Florida.

The Commissioners are of the opinion that proposed revision of Machinery rates has not been justified, and this Application is therefore DENIED.

Application No. 139, seeking authority to cancel all carload, less than carload or any quantity rates on GRAIN, GRAIN PRODUCTS AND FEED.

Both this application and the application of Mr. E. H. Dulaney, for approval of the Grain and Grain Products item in Supplement 10 to Southern Classifications are postponed at the request of the proponents and shippers.

Roy Pope, Agent

Application No. 2, seeking revision of rates on RAILS, RAILWAY TRACK, old.

Consideration of this application is postponed to an unnamed date.

The change herein authorized on GELATINE may be made on one day's notice.

Nov. 12, 1936.

TRAFFIC CIRCULAR NO. 35**To All Intrastate Common Carrier Truck Lines:**

There has been proposed by a large shipper in this State what is known as "Pay the Driver Plan."

Under this plan a shipment is given to a truck line on an open bill of lading, with invoice and a "sticker" attached. The sticker reading in substance as follows:

"Pay the Driver \$..... and save your cash discount of \$..... on this bill."

The Commission has been asked to rule on the legality of this practice.

TAKE NOTICE that the Commissioners neither approve nor disapprove of this plan. It is our opinion that it opens the way to a great many irregularities and possible loss by both the truck lines and the shippers. This is an added service that should not be performed without compensation.

You are therefore hereby PUT ON NOTICE that if this service is voluntarily performed by common carrier truck lines operating under certificate from this Commission, it must in all cases be performed without discrimination.

You are further put on NOTICE that if this service is performed it must be charged for at the regular C. O. D. rates as authorized by this Commission for the collection of ordinary C. O. D. charges.

Furthermore, if shipments are handled in this way, and collection is made by the driver, a notation to that effect must be made on the original Pro. number covering the shipment in the office of the truck line.

Nov. 13, 1936.

TRAFFIC CIRCULAR NO. 36

HANDLING U. S. GOVERNMENT FREIGHT CHARGES

To All Common Carrier Truck Lines Doing An
Intrastate Business in the State of Florida:

Due to the fact that the United States Government does not make settlement for freight charges on shipments delivered to its employees as promptly as do private shippers, it is hereby RULED that on collect shipments for the United States Government or its employees involving a haul over two or more truck lines, the delivering line will not be required to settle charges due connecting lines until such delivering line has received settlement from the United States Government.

WATERMELON RATES

Under date of July 23rd, 1936, the Commission issued the following circular to the watermelon growers and shippers of Florida:

"There has been brought before the Interstate Commerce Commission by the States of North Carolina, South Carolina, Georgia and Florida a formal case assailing the present rates on Watermelons from said States to Interstate destinations.

"This proceeding has been given docket No. 27368, and is assigned for hearing at Macon, Georgia, at the Lanier Hotel, on Sept. 1st, 1936.

"This case will largely hinge upon the commercial and economic conditions in the Watermelon industry. In other words, we want to show, by shipper and grower witnesses that the Watermelon industry cannot stand the present freight rates.

"In order to secure such testimony the Florida Railroad Commission hereby calls a conference of the principal Watermelon growers and shippers of Florida, to be held at the Seminole Hotel, in the City of Jacksonville, Florida, at 10 o'clock, A. M., on Friday, August 7th, 1936."

At this conference there appeared the following growers and shippers of Watermelons: J. C. Sanders, C. T. Lowrey, J. H. Butler, S. A. Fields, Hugh Bourlay and H. E. Barcus, all Leesburg, Florida; O. T. Cardell, Ocala, Florida; L. D. Edge, Groveland, Florida; W. J. Blitchington, Tampa, Florida; L. M. Rhodes, F. H. Scruggs and Neill Rhodes, of the State Marketing Bureau, Jacksonville, Florida.

Hearing in this proceeding was postponed by the Interstate Commerce Commission to Oct. 5, 1936. It was again postponed to a date to be thereafter fixed. It was reassigned for hearing on December 15, 1936, to be heard in Atlanta instead of Macon, Ga. This latter hearing was postponed and the case has not yet been set for hearing by the Interstate Commerce Commission.

This Commission desires to acknowledge very helpful cooperation from Hon. L. M. Rhodes, of the State Marketing Bureau, and his assistants, Mr. Neill Rhodes and Mr. F. H. Scruggs. In addition to the preparation of valuable exhibits, Commissioner L. M. Rhodes has signified his intention to appear at the hearing and testify on behalf of the Watermelon growers and shippers of Florida.

REPORT OF TELEPHONE ENGINEER

Whenever it becomes necessary to make an investigation of telephone rates for the purpose of revision, whether it be on application from the Telephone Company for an increase of rates or on the motion of Railroad Commission to make a reduction in the rates the basis of such investigation is a valuation of the telephone properties involved.

A valuation of a telephone property is a very costly undertaking. The field work, perhaps involves the heaviest expense. There is the inventory of the various parts of the wire plant, amounting to tens of thousands of units of plant in the larger exchanges.

The process of taking the inventory is slow because of the fact that each unit is in place and the whole exchange area must be covered in order to count the units so placed.

As the wire plant is scattered over a large territory much time is consumed in travel. The taking of such an inventory involves a great deal of preparation. Field men have to be trained in the work of counting units and making measurements. The areas are divided into districts which are assigned to the field men who are required to inventory the property of a given class found in such districts.

The work of inventorying a telephone property is slow and exacting, requiring a great deal of care in recording the information. The field man must be very familiar with the material he is inventorying and must know, without hesitation, how to classify in his field records each unit he records.

The difficulties of inventorying increase with the size of the area to be covered. The larger exchanges have a greater variety of plant units and more complex situations are confronted due to the large amount of special construction work which local conditions make necessary.

Another feature which complicates the making of an inventory is that a separation of the units of property is required on the basis of use, whether for local exchange service or long distance service. This separation work is very troublesome and consumes a great deal of time thus slowing down the general progress of the inventory.

In setting out an exhibit of the physical property used and useful, there must be shown separately the amount of physical property used for local exchange purposes exclusively.

There is also a separation made of the plant jointly used for the two classes of service. This separation is determined on the basis of the relative use of local and long distance service as expressed in terms of holding time. The holding time is a unit of use of the line.

An inventory of the Southern Bell Telephone Company's properties in this State was made in 1934 by the Company's engineers in connection with the State Wide Rate Case as reported in the Thirty-Ninth Annual Report of the Railroad Commission. The property was valued at approximately \$24,000,000.00. The cost of preparing the inventory was close to \$80,000.00. It took 53 field men, including engineers and supervisors, working for two months to do the field work alone, and 74 office people working for four months to tabulate and prepare the exhibits which were required in presenting the case before the Commission.

When it is understood that telephone companies are allowed by the Courts to include the cost of preparing their rate cases as an expense to be charged against revenue, it can be readily appreciated the extent to which rates are affected by such allowances.

The Railroad Commission, having in mind the difficulties and costliness of the work of preparing or checking telephone inventories, and also having in mind the long delays which are contingent upon the preparation of rate cases, instructed their engineer to work out a plan which will reduce not only the cost but the time element in preparing the rate cases for their review. It has been realized that cutting down the time on the inventory work will be a big step toward the accomplishment of this objective.

During the past year work has been done by the Telephone Engineer, and his assistant, which it is hoped will result in considerable saving in the cost of preparing rate cases—a saving that should result not only in expense to the Telephone Company and ultimately the subscribers, but to the State in preparing its rate cases.

Instead of making a field inventory whenever occasion arises for doing so, there will be kept a perpetual inventory, or a current inventory, which reflects from day to day the actual number of each class of units of property in service. As a matter of fact, there are such continuing records in existence at present, both for the Bell Telephone Company and the Peninsular Telephone Company.

An occasional spot check made by the Commission's Engineers of property shown on their records will be sufficient to assure of accuracy in the keeping of the running inventories.

With the smaller companies perpetual inventories are in course of preparation. This work is being done by the Railroad Commission Engineers. Already a considerable amount of work has been done. Forms have been designed which the small companies will be required to keep up as part of the records which are under the supervision of the Railroad Commission.

As the work progresses short cuts in methods of assembling and tabulating the data suggest themselves. One of these short cuts is in the treatment of separation of classes of service above referred to.

To ascertain the extent to which the application of the short cut would affect the total valuation of the Bell property already referred to of \$24,000,000.00 a test calculation was made which resulted in a difference expressed in percent of seventeen one hundredths of one percent. The effect of this difference on the rate base as a reduction would be a negligible quantity, but in terms of labor and cost saved in the preparation of the case a very significant figure. It is estimated that instead of an outlay of \$80,000.00 the cost would have been approximately \$20,000.00 or one fourth of the original outlay. Now this is what the saving would have been to the Telephone Company in preparing their statement. The above, however, is given as an illustration of what may be accomplished by the employment of the perpetual inventory and its acceptance as a basis for making valuations in rate cases.

There has been an increasing demand for telephone service in Miami, Florida. Large additions have been made to the telephone plant within the last few years. The last year has witnessed perhaps the greatest activity in construction work. A construction program is just being completed by the Southern Bell Telephone Company which, based on engineering estimates, amounts to \$1,024,000.00. This estimate was made up as follows:

Land	\$ 3,000.00
Buildings	64,000.00
Central Office Equipment	627,000.00
Subscribers Station Equipment	40,000.00
Underground Conduit	46,000.00
Underground and Aerial Cable	244,000.00
Total.....	\$1,024,000.00

A report on this work has already been made by the Commission's Engineer as to whether or not conditions have justified a construction program of such magnitude, and further report will be made by him upon receiving notice from the telephone company of the completion of the estimates.

The following statement of telephone stations as of the first of each year indicates the growth of the telephone service in the Miami Metropolitan Area from January 1, 1925 to January 1, 1937.

**Telephone Stations in Service at Miami
By Years**

1925	12,793	1932	29,502
1926	17,814	1933	25,620
1927	23,272	1934	26,334
1928	24,646	1935	30,693
1929	24,212	1936	35,893
1930	26,986	1937	44,598
1931	29,000		

The following is a list of towns which were visited and investigations of service made. Irregular conditions were corrected and subscribers were interviewed:

Ocala
Live Oak
Marianna
Sanford
Tarrytown
Crestview
Fort Myers
Naples
LaBelle
Moore Haven
Clewiston

Sebring
St. Cloud
Cottondale
Winter Park
Dunedin
River Junction
Leesburg
Maitland
Clearwater
Branford
Jacksonville

**REPORT OF SPECIAL COUNSEL
TO THE
FLORIDA RAILROAD COMMISSION
FOR THE YEAR 1936**

Counsel for the Railroad Commission employed under the provision of Section 6733 of the Compiled General Laws of Florida, submits the following report for the year 1936:

INTERSTATE COMMERCE COMMISSION CASES

1. Finance Docket No. 11315 Abandonment of Florida East Coast Railway—Key West Extension.

A tropical hurricane of great intensity struck the Florida keys on September 2, 1935. That portion of the line of the Florida East Coast Railway known as the Key West Extension extending across the keys was seriously damaged, and in some places totally destroyed. The Key West Extension extends from Homestead, Florida, to Key West, Florida, a distance of 128 miles. The first 14 miles south of Homestead is located over low lying marshes of the mainland, and the remaining 11 miles follows generally the line of the Florida keys to Key West. These keys, or small islands, are usually long and narrow in shape with intervening channels of shallow water, and the land elevation of the keys is only a few feet above sea level. On account of this fact, the railroad track was constructed at an elevation above the surrounding land to place it above the waves and tide. As a result, the roadbed on the keys, as well as where shallow water is crossed between the keys, consists almost entirely of embankment with bridges spanning the channel. This embankment over a great part of the distance is exposed to the action of the waves and tide. That portion of the extension lying between mile post 430 on Key Largo and mile post 470 on Key Vaca was most seriously affected by the storm. Winds of great velocity, estimated to have arisen at times to more than 125 miles per hour, caused the water to rise several feet over the tracks for the greater portion of this distance. Six miles of the track was wholly washed away; 19 miles of the track was washed entirely off the roadbed and another 16 miles was washed from one to ten feet off center.

After the damage to the Key West extension the United States Engineers at Jacksonville, Florida, notified the receivers of the Florida East Coast Railway that they would not be permitted to reconstruct any solid fill or causeway at any locality without submitting new plans for approval by the War De-

partment. Soon after this the Florida State Road Department made application to the War Department for a permit to restore the highway to the old ferry landing on the lower end of Matecumbe Key. This highway parallels the railway.

At the public hearing held on this application the engineers of the War Department indicated that it would not permit the construction of an embankment to an elevation higher than five feet above mean low water, nor the construction of any embankment in old channels in these openings, but that it would require bridge structures across them. Based on these facts the receivers of the Florida East Coast Railway estimated the cost of reconstruction of the Key West Extension in such manner as would meet the approval of the War Department. The estimate to restore the track with open deck wooden trestles was \$1,800,000.00. The estimate to restore with steel girder beams on concrete piers was \$2,940,000.00.

These matters were presented to Hon. Louie W. Strum, Judge of the United States District Court for the Southern District of Florida, by the receivers of the Florida East Coast Railway by their preliminary report filed October 1, 1935, and by their final report filed January 13, 1936.

There was also presented to the Court offers from Overseas Road and Toll Bridge District and from Monroe County, Florida, the State Road Department and the City of Key West for the purchase of portions of the right-of-way constituting the Key West Extension from Florida City to Key West. In effect, the offer was to purchase from the receivers for use in the construction and reconstruction of a highway from the Florida mainland to the city of Key West with Federal funds, and from these funds \$640,000.00 was to be paid in cash to the receivers upon delivery of appropriate conveyance to the property and release from all existing liens and encumbrances upon them. Several hearings were had before the District Court of the United States and on August 10, 1936, the Court entered its Order authorizing the receivers to file with the Interstate Commerce Commission an application for a Certificate that the present or future public convenience and necessity permitted the abandonment of operations of that portion of the line of railroad of the Florida East Coast Railway known as the Key West Extension extending from Florida City to Key West (a distance of approximately 126 miles) as well as to abandon and retire said extension from mile post 397 to mile post 519 all in Dade and Monroe Counties, Florida. Subject to the issuance by the Interstate Commerce Commission of this Certificate of Public Convenience and Necessity the receivers were

also authorized and directed to accept the offers heretofore mentioned for the purchase of that portion of the right-of-way of the Key West Extension of the Florida East Coast Railway from mile post 397 to mile post 519, and upon the payment of the said purchase price of \$640,000.00 in cash, and the performance of the agreements contained in the offers, to execute and deliver deeds of conveyance to the property purchased.

Pursuant to this Order of the Court, the receivers of the Florida East Coast Railway Company filed with the Interstate Commerce Commission on August 17, 1936, their application for a Certificate of Public Convenience and Necessity permitting the abandonment of the Key West Extension. On September 10, 1936, return to questionnaire was filed by applicant.

A hearing was had in Jacksonville on this application on September 18, 1936. The Governor of the State of Florida favored the granting of the application. The Mayor of Key West, the City Council; the Board of County Commissioners of Monroe County and representative citizens of said city and county requested that the application be granted. Testimony of these witnesses was that they preferred the construction of the highway in preference to rebuilding of the extension of the railway.

On September 26, 1936, the Interstate Commerce Commission granted the application and entered its order permitting the abandonment of that portion of the railway described in the application.

2. Class Rates Within Southern Territory.

On October 1, 1936, the Florida Railroad Commission filed its petition praying the Interstate Commerce Commission to institute an investigation into the Class Rates within Southern Territory, and that an order be issued requiring the establishment of just and reasonable class rates within said territory.

This petition was supplemental to a petition filed by the Joint Conference of Southern State Commissioners and Shippers of which the Florida Railroad Commission is a member.

The present Class Freight rates applicable in Southern territory are the result of investigation and decision of the Interstate Commerce Commission in Southern Class Rate Investigation, Docket No. 13494, and shown in both the original and supplemental reports of the Interstate Commerce Commission and cited and reported in 100 I. C. C. 513; 109 I. C. C. 300; 113 I. C. C. 200 and 128 I. C. C. 567.

This investigation was commenced in 1920 and occupied several years during which economic conditions were unusual and the country was enjoying a period of prosperity greater than has existed since the rates became effective, and prices of commodities at that time were upon a much higher level than at the present time.

Southern territory, as the term was used in the original report in Southern Class Rate Investigation (100 I. C. C. 513) was stated to be roughly the territory east of the Mississippi River and south of the Ohio River and the line of the Norfolk and Western from Bristol, Tennessee-Virginia, to Norfolk, Virginia. It did not include the east corner of Kentucky served by the Chesapeake & Ohio.

For the purpose of the instant proceeding the Interstate Commerce Commission was asked to define Southern territory as:

"that territory beginning at Norfolk, Virginia, (including Newport News, Virginia, and other points in the Hampton Roads area) then following the line of the Virginian Railway to Roanoke, Virginia; then the line of the Norfolk & Western Railway to Kenova, West Virginia (including St. Paul, Virginia, and Bristol, Virginia-Tennessee, respectively on the Norton & Bristol lines of the Norfolk & Western Railway, also including the so-called southern Ohio Group); then following the line of the Chesapeake & Ohio Railway to Cincinnati, Ohio (excluding local points on the Chesapeake & Ohio in Kentucky); then following the Ohio River to Cairo, Illinois, including North-bank Ohio River points and Lexington, Kentucky; then following the Mississippi River to New Orleans, Louisiana, and the mouth of the Mississippi River, including the west-bank Mississippi River points; then east along the shore of the Gulf of Mexico to the Atlantic Ocean; then north along the shore of the Atlantic Ocean to Hampton Roads, Virginia."

By Notice dated November 20, 1936, the Interstate Commerce Commission called attention to the petitions that had been filed with it alleging that the present Class rates within Southern Territory are unjust and unreasonable and praying an investigation into said Class Rates, and said:

"The Commission has decided to grant this request and is therefore prepared to enter an order instituting an investigation into the reasonableness of Class Rates within Southern territory, to be defined as including

the region bounded on the north by the line of the Norfolk and Western Railway Company between Norfolk, Virginia, and Kenova, West Virginia, and the Ohio River between Kenova and Cairo, Illinois, and on the west by the Mississippi River between Cairo and the Gulf of Mexico, excluding rates between local points on the line of the Chesapeake and Ohio Railway Company in Kentucky, and including rates between Southern territory, on the one hand, and north-bank Ohio River crossings, the so-called Southern Ohio group, and Helena, Ark., on the other hand. Such an investigation would be confined to class rates within Southern territory, without including any interterritorial rates to or from such territory, and the issue would be limited to the matter of lawfulness under Section 1 of the Interstate Commerce Act.

"It is the belief of the Commission that, if such an investigation is instituted, requests will probably be made at once that it be broadened to include various related interterritorial rates, and perhaps that the issues be broadened also. It seems desirable that such matters be given consideration before the investigation is instituted rather than afterward.

"Therefore, the Commission will receive, on or before December 12, 1936, communications with respect to the proposed investigation, either asking that it be broadened, stating explicitly what boardening is desired and why, or giving reasons why it should not be broadened but confined within the limits above indicated."

This Commission filed its statement with the Interstate Commerce Commission prior to December 12, 1936, and contended that the issues should not be broadened but should be confined within the limits indicated in its petition.

LAW CASES

1. **W. H. Lawrence, Sheriff, Plaintiff in Error, vs. Curtis Goddard, Defendant in Error. Habeas Corpus. Supreme Court of Florida.**

On February 8, 1935, Curtiss Goddard was arrested for a violation of the Railroad Commission Act in that he did let, rent and lease to another for consideration a motor vehicle which was operated over the State highways. A Writ of Habeas Corpus was issued out of the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County and defendant was tried before the Judge of said Circuit Court upon a stipulation of facts. The Judge of the Circuit Court by his order dated May 2, 1935, discharged said Curtiss Goddard on the ground that Chapter 14764, Laws of Florida, Acts of 1931, was not sufficiently broad in its terms and provisions to embrace a "U-Drive-It" business as described in the record in this cause.

This matter was appealed on Writ of Error to the Supreme Court of Florida. The case has been fully briefed and orally argued by counsel, and is now pending in the Supreme Court for decision.

On May 5, 1936, the Court announced its opinion and held, that a company engaged in leasing or renting automobiles without drivers is not an auto transportation company within the purview of Chapter 14, 764, Acts of 1931, and required such auto transportation company engaged in for hire operation to obtain a permit, post bond or insurance and pay mileage tax since such company did not undertake to transport persons or property in its automobiles for hire as a carrier, and the regulatory provisions of said Act were inapplicable to said company.

The judgment of the lower Court discharging the petitioner was affirmed. Jr. Justice Buford dissented in a well written and well considered opinion. This case is reported as **LAWRENCE vs. GODDARD**, 168 S. 13.

2. **Pan-American Bus Lines vs. Railroad Commission, Florida Motor Lines and Atlantic Greyhound Lines. Federal District Court for Northern District of Florida. Injunction.**

On June 23, 1935, Pan-American Bus Lines filed with the Railroad Commission its application for Certificate of Public Convenience and Necessity authorizing it to engage in interstate commerce transporting passengers by bus between New York and Miami. After a full hearing of this application the Railroad Commission on August 10, 1935, dismissed the applica-

tion of the applicant holding that by reason of the passage of the Federal Motor Carrier Act 1935 the sole and exclusive jurisdiction to issue Certificates of Public Convenience and Necessity in interstate commerce now resided in the Interstate Commerce Commission and the Florida Railroad Commission had no jurisdiction in the matter of granting Certificates, and that its sole jurisdiction was to enforce its reasonable police regulations upon interstate carriers after they had secured a Certificate of Public Convenience and Necessity from the Interstate Commerce Commission.

On August 15, 1935, Pan-American Bus Lines filed its bill of complaint in the District Court of the United States for the Northern District of Florida seeking an injunction against the members of the Railroad Commission restraining them from interfering with its operations in interstate commerce over the highways of the State of Florida.

On the 26th day of August 1935 temporary restraining order was entered by the Federal District Court enjoining and restraining the Railroad Commission, Florida Motor Lines and Atlantic Greyhound Lines from molesting or interfering with the operations of Pan-American Bus Lines between New York and Miami, Florida.

"so long as the same is conducted purely as interstate commerce and not in conflict with the provisions of the Federal Motor Carrier Act 1935, Senate Bill 1629, nor in conflict with the tax laws of the State of Florida or the laws of the State of Florida with respect to size, weight and equipment of the vehicles operated, and the laws of the State of Florida regulating the manner of the operation of such vehicle over the Florida highways."

Appeal from this order was allowed to the Circuit Court of Appeals for the Fifth Circuit, New Orleans, Louisiana, on August 30, 1935. The matter was fully argued before the Circuit Court of Appeals on December 3, 1935.

The Circuit Court of Appeals affirmed the order of the lower Court on the ground that the only question involved in an appeal from an interlocutory order was whether or not there was an abuse of discretion on the part of the lower Court in granting temporary restraining order.

81 Fed. (2d) 222.

On February 1, 1936, Pan-American Bus Lines filed its application with the Interstate Commerce Commission under

Docket No. 2741, Bureau of Motor Carriers, for a Certificate of Public Convenience and Necessity to continue its operations as a common carrier of passengers and baggage between New York and Miami serving Newark and Trenton, N. J., Philadelphia, Baltimore, Washington, Columbia, S. C., Savannah, Jacksonville, St. Augustine, Daytona Beach and other interstate points. This application was heard before John L. Rogers, director of Bureau of Motor Carriers, and on May 7, 1936, the Director recommended that the application be denied because existing service and facilities between the points sought to be served were reasonably convenient and reasonably adequate and that applicant's operations during the period from August 10, 1935, to and including October 15, 1935, were not required by public convenience and necessity.

This matter was finally submitted to the Interstate Commerce Commission on September 23, 1936, and on November 2, 1936, Division 5 of the Interstate Commerce Commission refused to adopt the Order proposed by the Director and found that public convenience and necessity required the operation by Pan-American Bus Lines and awarded it a Certificate of Public Convenience and Necessity.

The protesting motor carriers and rail carriers filed petitions with the Interstate Commerce Commission asking that the Order of Division 5 be reversed and the application be denied.

No action has as yet been taken on these petitions by the Interstate Commerce Commission.

3. University City Transfer Company, relator, vs. Florida Railroad Commission, Brown's Motor Freight Lines, Inc., and Hi-Way Transports, Inc., Respondents. Certiorari. Supreme Court of Florida.

By Order No. 752 dated May 22, 1935, the Railroad Commission approved the transfer and sale of that part of Certificate of Public Convenience and Necessity No. 91 between Jacksonville and Gainesville over State Roads Nos. 1 and 13 from Brown's Motor Freight Lines, Inc., to the Hi-Way Transports, Inc. The University City Transfer Company which operates over the same route filed its petition for Writ of Certiorari. Writ of Certiorari was issued by the Supreme Court on September 19, 1935. On October 15, 1935, L. & L. Freight Lines, Inc., was permitted to intervene in this cause.

On May 18, 1936, the Supreme Court quashed the Writ of Certiorari and sustained the Railroad Commission in this mat-

ter. The Court held that the probative force of evidence on which the Railroad Commission granted an application of a motor common carrier to transfer its Certificate of Public Convenience and Necessity to a corporation which was not a certificated holder is not reviewable by Certiorari where the Commissioners' conclusions were sustained by substantial evidence.

The Court also held, that in a proceeding to transfer a Certificate of Public Convenience and Necessity when objections were filed on the ground that rights under certificate had been abandoned, but no citation or formal charge had been made against the certificate holder, the Commission properly refused to revoke the Certificate. And further held that the transferee of a Certificate under such circumstances was under no duty to show the existence of public convenience and necessity as would be required to support an original application for issuance of such certificate.

This case is cited as *UNIVERSITY CITY TRANSFER COMPANY vs. FLORIDA RAILROAD COMMISSION*, 168 SO. 413.

4. R. C. Motor Lines vs. Railroad Commission. Supreme Court of Florida. Mandamus.

By its Order No. 760 dated July 10, 1935, the Railroad Commission after a hearing denied the application of R. C. Motor Lines to operate as a private contract carrier for hire transporting freight interstate from the Georgia-Florida State line to Jacksonville, Florida, under contract with Montgomery-Ward & Company of Baltimore, Md.

R. C. Motor Lines thereupon obtained an Alternative Writ of Mandamus out of the Court on September 24, 1935, requiring the Railroad Commission to award it a Certificate or show cause by October 8th why it should not be required so to do by Peremptory Writ. Respondent filed motion to quash the Alternative Writ on October 8, 1935, on various grounds.

On March 28, 1936, the Court awarded a peremptory writ of mandamus requiring the Railroad Commission to issue R. C. Motor Lines a Certificate of Registration to engage in interstate commerce holding that under the Federal Constitution the Commerce Clause *ex proprio vigore* amounts to a National Certificate of Public Convenience and Necessity authorizing any one to freely engage in interstate commerce and interstate carriage pertaining thereto, and that only Congress has the right and power to prescribe the conditions and limitation under which this right should be exercised. The Court also held that the

passage by Congress of the Federal Motor Carrier Act giving to the Interstate Commerce Commission exclusive jurisdiction to determine applications for Certificates of Public Convenience and Necessity to engage in exclusively interstate motor carriage operation did not supersede the provisions of the State statute requiring interstate motor carriers to register with the State Railroad Commission and pay to the State its just mileage taxes, and to conform to other reasonable police regulations.

The Court also said, that mandamus, as well as certiorari, may lie to secure legal redress for the unauthorized denial of a petitioner's rights arising out of an appropriate application addressed to, considered and denied by an administrative body where the legal duty to act in the premises is clear and there can be but one conclusion lawfully reached concerning the prescribed course of action by the administrative body.

Cited: STATE vs. FLORIDA RAILROAD COMMISSION, 166 S. 840; 123 FLA. 345.

5. **L. & L. Freight Lines, Inc., vs. Florida Railroad Commission. Federal District Court for Northern District of Florida Injunction.**

On October 8, 1935 L. & L. Freight Lines, Inc., filed an application with the Florida Railroad Commission for a Certificate of Public Convenience and Necessity to operate from Atlanta, Georgia, to Tallahassee, Florida, over State Highway No. 10, thence from Tallahassee to Ocala over State Road No. 19, thence to Tampa over State Highway No. 41, and also for authority to operate from Tallahassee to Live Oak and from Tallahassee to Marianna over State Highway No. 1, in interstate commerce only.

Before aid application could be heard L. & L. Freight Lines, Inc., began its operations and on October 31st, 1935, one of its drivers named Carl Lowe was arrested on warrant issued out of the County Judge's Court charging him with operating a motor vehicle over the State roads of Florida without authority from the Railroad Commission, contrary to both Federal and State laws.

L. & L. Freight Lines, Inc., then immediately filed its bill of complaint in the District Court of the United States for the Northern District of Florida seeking to enjoin the Florida Railroad Commission, its agents and inspectors from molesting or interfering with its operations on the ground that it was engaged in interstate commerce solely and that the Florida Railroad Commission had no authority to interfere with its operations and

the said Court had no authority to try it for violations of the Federal law.

This matter was heard before the Judge of the Federal Court and on November 7th he issued his order denying the restraining order on the ground that since the L. & L. Freight Lines did not begin its operations until after the 1st day of October, 1935, the effective date of the Federal Motor Carrier Act 1935, it had no authority to continue its operations until the Interstate Commerce Commission had acted on its application.

Amended bill of complaint was thereupon filed and heard before the Federal Judge and on November 16th the Court entered its order again denying temporary restraining order against the Railroad Commission. The effect of the holding in this case was that the Federal Motor Carrier Act and the section of said Act applying to applications for Certificates of Public Convenience and Necessity was effective on October 1, 1935, and a carrier who did not begin its operations prior to that date could not operate over the highways of the State until it had secured a Certificate of Public Convenience and Necessity from the Interstate Commerce Commission and filed such Certificate with the Railroad Commission of the State of Florida as its authority for such operation.

L. & L. FRT. LINES vs. DOUGLASS, 14th (F') Supp. 399.

Appeal from the first order of the Court entered on November 7, 1935 was taken to the Circuit Court of Appeals and petition was filed there for injunction pending appeal. No action was taken by the Circuit Court of Appeals on this petition and the appeal was subsequently dismissed.

Answer of defendants to amended bill of complaint was filed in this cause on January 11, 1936.

This cause was set down for argument at New Orleans for Tuesday, April 14, 1936. Before an appeal could be heard appellant, L. & L. Freight Lines, Inc., filed its motion to dismiss the appeal, and order dismissing appeal was entered dated March 20, 1936.

Order was subsequently entered by the Judge of the United States District Court in and for the Northern District of Florida dismissing this cause.

6. L. & L. Freight Lines, Inc., vs. Railroad Commission. Circuit Court Leon County, Florida. Judge Johnson. Injunction.

On March 3, 1936 L. & L. Freight Lines, Inc., filed its bill of complaint in the Circuit Court of the Second Judicial Circuit of

Florida in and for Leon County, Florida, seeking an injunction against the members of the Railroad Commission from interfering with its motor vehicle operations in interstate commerce between Atlanta, Georgia and points in the State of Florida described in the bill of complaint.

On October 8, 1935 the L. & L. Freight Lines filed an application with the Florida Railroad Commission for a Certificate of Public Convenience and Necessity to operate from Atlanta, Georgia, to Tallahassee, Florida, thence to Ocala over State Road No. 19, and thence to Tampa over Highway No. 41, and also to operate from Tallahassee east to Live Oak and from Tallahassee west to Marianna over Highway No. 1, in interstate commerce only.

Before said application could be heard L. & L. Freight Lines began operations and at various times its drivers were arrested for operating without a certificate of public convenience and necessity. Suit was brought in the Federal Court for the Northern District of Florida to enjoin the Railroad Commission but the Federal Court refused to issue the writ.

The present bill of complaint was presented to one of the Judges of the Second Judicial Circuit who granted a Stay Order in the matter on March 3, 1936, and set the matter down for hearing on March 6, 1936 on motion of defendants to dismiss or suspend further hearing in this matter until the District Court of the United States in and for the Northern District of Florida has tried and determined the action before it. Order was entered by the Judge of said Court on the 6th day of March, 1936 dissolving the stay order entered on March 3, 1936 and suspending all further action until the District Court of the United States had tried and determined the cause before it.

Thereupon, the plaintiff, L. & L. Freight Lines, Inc., immediately took an appeal to the Supreme Court of the State of Florida and sought a constitutional writ from said Court pending appeal. This writ was denied. On March 17, 1936 plaintiff dismissed its appeal in the Supreme Court and at the same time dismissed its suit in the Circuit Court of the Second Judicial Circuit of Florida.

7. Union Bus Company and Southeastern Management Company, Petitioner, vs. Railroad Commission and H. J. Redd, Respondents. Supreme Court of Florida. Certiorari.

The respondents, the Florida Railroad Commission, after hearing granted to H. J. Redd a Certificate of Public Convenience and Necessity permitting him to operate as a common carrier of

passengers and express by motor vehicle between Perry, Florida, and Jacksonville, Florida, serving Mayo, Branford, Fort White, Ellaville, Lake Butler, Raiford, State Prison Farm and Macclenny, and thence into Jacksonville over State Road No. 1. This part of the operation over State Road No. 1 being a part of the operation of Union Bus Company the Commission required Redd to operate with closed doors and required that no passengers or light express be picked up at Macclenny to be discharged at Jacksonville or intermediate points nor should any passengers or light express be picked up at intermediate points to be discharged at Jacksonville or points intermediate between Macclenny and Jacksonville.

The petitioner thereupon filed a petition for Writ of Certiorari to review the order of the Railroad Commission and quash the same on the theory that since the Union Bus Company was already operating over State Road No. 1 between Macclenny and Jacksonville the application of H. J. Redd should not have been allowed to operate over this highway but such application should have been denied.

This case was fully briefed and argued before the Court, and on March 19, 1936, in an opinion by Mr. Justice Davis, petition for Writ of Certiorari was denied and the action of the Railroad Commission was sustained.

The Court held:

"Railroad Commission may grant Certificate for operation of motor carrier service over route adequately served by holder of an earlier certificate, subject to limitations precluding competitive service where public convenience and necessity requires service over such route to meet adequately the needs of communities accommodated thereby."

ALSO:

"The Railroad Commission properly exercised its judgment under statute in granting certificate of public convenience and necessity to operate as common carrier of passengers and light express by motor vehicle between certain points on condition that no local service be conducted between stations on portion of route already adequately served by holders of certificates previously issued."

CITED: UNION BUS COMPANY, ET AL., vs. DOUGLASS, ET AL, 166 SO 582; 123 FLA 292

8. **L. & L. Freight Lines, Inc., vs. Railroad Commission. Circuit Court Second Judicial Circuit of Florida for Leon County. Judge Love. Injunction.**

On March 31, 1936 bill of complaint was filed by L. & L. Freight Lines, Inc., against the Railroad Commission of the State of Florida in the Second Judicial Circuit in and for Leon County before Hon. E. C. Love, one of the Judges of said Circuit Court, seeking an injunction to prevent the arrest of its drivers and any interference with the operation of its trucks so long as they were engaged in interstate commerce.

Answer of defendants was filed and the matter was fully argued before the Judge of said Court, and on April 4, 1936 an order was entered denying the application for temporary restraining order without prejudice to plaintiff filing amendment to its bill of complaint and renewing its application for temporary restraining order. Thereupon amendment to bill of complaint was filed on April 15, 1936 and answer to amendment to bill of complaint was filed by defendants on same date, and the matter was fully argued before the Judge of said Court who entered his order on the same date denying said temporary restraining order.

In this proceeding all of the orders of the Interstate Commerce Commission extending the effective date of the Federal Motor Carrier Act of 1935 from October 1st to 15th, 1935 were fully argued, the plaintiff claiming a Federal right to operate under said order over the highways of the State, and defendants claiming that the order of September 30, 1935, extending the effective date of said Act, had been properly construed by Judge A. V. Long of the Federal District Court as a mere administrative order made for the purpose of permitting those who were then operating further time within which to file their applications, and did not confer further rights upon carriers who were not operating prior to October 1, 1935. That if said order was construed as conferring rights upon carriers not engaged in interstate commerce on October 1, 1935, the effective date of the order, the matter would be legislative and not administrative, and any attempt to confer this power upon the Interstate Commerce Commission would be an unconstitutional delegation of power and would render Section 227 of the Federal Motor Carrier Act of 1935 void.

The Judge of the Circuit Court, in his order denying said temporary restraining order, said:

" * * * and it appearing to the Court that the legal principles involved in said application for temporary

restraining order have heretofore been passed upon and decided adversely to the complainant's contention in a case involving the same parties before the United States District Court for the Northern District of Florida, and also before Hon. John B. Johnson, one of the judges of the Circuit Court for the Second Judicial Circuit of Florida; and further that such opinions emanating from said Courts are sufficient to generate at least a doubt as to the legal rights of complainant to engage in interstate commerce traffic on the highways of the State of Florida, and along the routes proposed by said complainant."

Thereupon, L. & L. Freight Lines, Inc., took an appeal to the Supreme Court of Florida from the interlocutory order denying application for restraining order entered by the Judge of the Circuit Court on April 15, 1936, and applied for constitutional writ in aid of and incidental to the appeal.

On May 20, 1936 the Supreme Court, by virtue of the power conferred on it by Section 5 of Article V of the Constitution of the State to "issue all writs necessary or proper to the complete exercise of its jurisdiction," granted a modified constitutional writ of injunction pending final hearing on this appeal.

This cause was fully briefed and argued before the Supreme Court of Florida, and on June 26, 1936 the Supreme Court dissolved the constitutional writ entered by it and affirmed the order of the lower Court denying the temporary restraining order. Rehearing was denied on July 16, 1936 and the constitutional writ was dissolved.

The Court in this case held in effect that Congress vested in the Interstate Commerce Commission, by the passage of the Federal Motor Carrier Act 1935, the ultimate authority to investigate and decide which motor carriers have brought themselves within the scope of the protective provisions of the Act insofar as the Federal statute or particular operations appear to be in controversy and require decision upon such statute as a condition to carrier's continuance of operation in interstate commerce. The Court also held that pending findings of fact by the Interstate Commerce Commission on the issue involved in an application for Certificate of Public Convenience and Necessity it is the duty of the State and Federal Courts to protect by injunctive relief temporary benefits conferred by the Act.

L. & L. FREIGHT LINES vs. DOUGLASS, 169 SO. 370; 124 FLA. 696.

Plaintiff, L. & L. Freight Lines, thereupon filed its second amendment to its bill of complaint stating that its application before the Interstate Commerce Commission for a Certificate of Public Convenience and Necessity was being advanced and an early hearing would be had on the same, and alleging that it was the purpose of the inspectors of the Railroad Commission to arrest plaintiff's drivers and attempt to stop the movement of its motor vehicles in interstate commerce, and the Judge of the Circuit Court, without notice to defendants, entered an order dated July 27, 1936 granting a temporary restraining order in this matter.

This matter is now on final hearing and testimony has been taken of some witnesses but not yet completed.

9. State of Florida, Ex Rel., L. & L. Freight Lines, Inc., vs. Florida Railroad Commission. Supreme Court of Florida. Mandamus.

On March 6, 1936 petition for Alternative Writ of Mandamus was filed by L. & L. Freight Lines, Inc., in the Supreme Court of Florida to require the members of the Railroad Commission to grant it a Certificate of Public Convenience and Necessity to engage in the business of common carriage by motor vehicles of freight in interstate commerce only from the Georgia-Florida State line to Tallahassee over State Road No. 10, thence to Ocala over State Road No. 19, thence to Dunnellon over State Highway No. 74, thence to Tampa over State Road No. 5, and thence over State Road No. 1 from Tallahassee east to Live Oak, and from Tallahassee west to Marianna.

Alternative writ of mandamus was issued by the court requiring the members of the Railroad Commission to show cause on March 17, 1936 why the peremptory writ should not be issued.

The facts upon which the petition for mandamus was based were that relator had on October 8, 1935 filed with the Railroad Commission its application in due and legal form for a Certificate of Public Convenience and Necessity authorizing its operation in interstate commerce over the routes described above; that the Railroad Commission declined to take jurisdiction of the application and announced that no hearing would be held on the application by reason of the fact that Congress, by the passage of the Federal Motor Carrier Act, which became a law on August 9, 1935, had jurisdiction to issue Certificates of Public Convenience and Necessity to interstate carriers and that the Florida Railroad Commission had no jurisdiction to entertain such application.

Motion to quash Alternative Writ of Mandamus was filed by respondents on March 17, 1936, and the matter was fully briefed and argued before the Supreme Court on said motion.

On May 13, 1936 the Supreme Court of Florida granted the motion to quash the alternative writ and dismissed petition of relators.

The Court held:

- "1. Control by Interstate Commerce Commission over issuance or denial of certificates of public convenience and necessity for operation of motor vehicles in interstate commerce began with date of President's approval of congressional act on August 9, 1935, and not from date such act might become operative (Federal Motor Carrier Act of 1935, 49 U. S. C. A. Pars. 301-327).
- "2. Florida Railroad Commission *held* without authority to entertain application for issuance of certificate of public convenience and necessity for exclusively interstate motor carrier operation after approval of Federal Act covering such certificates, until propriety of issuance had first been submitted to and passed upon by Interstate Commerce Commission (Federal Motor Carrier Act of 1935, 49 U. S. C. A., Pars. 301-327; Acts Fla. 1931, Chap. 14764).
- "3. Where Interstate Commerce Commission awards Certificate of Public Convenience and Necessity for exclusively interstate motor carrier operation, Florida Railroad Commission is required to grant carrier state certificate upon proper application to enable Commission to enforce state police regulations (Federal Motor Carrier Act of 1935, 49 U. S. C. A., Pars. 301-327; Acts Fla. 1931, Chap. 14764).
- "4. Motor carrier corporation could not by judicial process compel Florida Railroad Commission to grant certificate of public convenience and necessity to engage as common carrier in interstate commerce over Florida highways, without having obtained from the Interstate Commerce Commission any certificate or other express or implied official recognition of alleged status as interstate operator (Federal Motor Carrier Act of 1935, 49 U. S. C. A., Pars. 301-327; Acts Fla. 1931, Chap. 14764)."

STATE vs. DOUGLASS, 169 SO. 389; 124 FLA. 579.

10. L. & L. Freight Lines, Inc., vs. Railroad Commission. Supreme Court of Florida. Mandamus.

L. & L. Freight Lines, Inc., on the 16th day of June, 1936, filed in the Supreme Court of Florida another petition for writ of mandamus against the Railroad Commission alleging that it had acquired a Federal right to operate in interstate commerce between Atlanta, Georgia, and Tallahassee, Florida, and various points in the State of Florida under the Federal Motor Carrier Act 1935. That it had filed application with the Railroad Commission for a Certificate of Public Convenience and Necessity authorizing it to operate over such routes in interstate commerce but that the Railroad Commission had refused to entertain said application, or to set the same down for hearing. That, as a matter of fact, it had made all of its arrangements to begin operation on September 25, 1935, although it did not actually begin operations until October 12, 1935, and for this reason it was engaged in the business of transportation in interstate commerce prior to October 1, 1935, the effective date of the Federal Motor Carrier Act, and was entitled to a Certificate of Public Convenience and Necessity to continue such operation.

The Supreme Court refused to issue Alternative Writ of Mandamus in the case holding that the Railroad Commission was not required to grant a Certificate of Public Convenience and Necessity to a motor carrier authorizing interstate operation until the Interstate Commerce Commission finally decided the carrier's permanent status.

L. & L. FREIGHT LINES vs. DOUGLASS, 169 SO. 501; 124 FLA. 819.

11. L. & L. Freight Lines, Inc., vs. Florida Railroad Commission. District Court of the United States In and for the Northern District of Florida. Injunction.

On November 4, 1935 L. & L. Freight Lines filed its bill of complaint in the District Court of the United States in and for the Northern District of Florida for injunction against the members of the Florida Railroad Commission enjoining and restraining defendants and others acting in concert with them from interfering with the operations of said L. & L. Freight Lines of their motor vehicles known as tractor and trailer combination while same were being used in interstate commerce solely and with a gross load, including weight of vehicle and freight, no greater than 34,000 pounds.

This matter was fully argued before Judge A. V. Long, Federal District Court at Pensacola, Florida, on November 4, 1935, and

on November 7, 1935 the Judge of said Court entered his order denying temporary restraining order.

12. Wayne W. Alexander vs. Railroad Commission. Circuit Court of Fourth Judicial Circuit, Duval County. Injunction.

On April 1, 1936 bill of complaint was filed in this cause in the Duval County Circuit Court for an injunction restraining the defendants and their inspectors from interfering with the operations of the plaintiff in their contract carrier operations transporting products in interstate commerce to various points in the State of Florida.

A preliminary restraining order was granted so long as the motor vehicles of the plaintiff were operated in interstate carriage and not in violation of the laws of the State and the rules and regulations of the Railroad Commission. That is, so long as said vehicles are operated in a proper and lawful manner upon the highways, are not overloaded and are insured against injury to persons or property while being operated in the State of Florida.

A hearing was had on April 8, 1936 and a temporary injunction was issued.

Answer of defendants was filed and there was inaugurated in the answer a motion to dismiss and to dissolve temporary injunction. In the answer defendants alleged that plaintiff had failed and refused to properly qualify his interstate operation with the Florida Railroad Commission, and to operate in accordance with the rules and regulations of the defendant as set out in the injunction, and that although the defendants have offered to qualify plaintiff's operation upon his complying with the reasonable police regulations of the State that plaintiff has refused to qualify with the Railroad Commission, and has failed to pay his compensatory mileage tax and register his vehicles in accordance with law.

The matter was heard before the Court, and on December 21, 1936 order was entered dissolving the injunction and dismissing the bill.

13. A. L. Nance and L. A. Webb, Doing Business as Nance Transfer Company vs. Railroad Commission. Circuit Court Fourth Judicial Circuit, Duval County. Injunction.

On April 21st, 1936 Nance Transfer Company filed application with the Florida Railroad Commission for Certificate of Public Convenience and Necessity as a common carrier of freight be

tween the Georgia-Florida State line and Jacksonville over Highway No. 4 in interstate commerce. It appeared from the application that the applicant commenced operation prior to June 1, 1935 but had never before filed an application with the Commission, nor received a Certificate of Public Convenience and Necessity from the Railroad Commission to operate as an auto transportation company in the State of Florida. The Commission, therefore, held that it was not a bona fide operator in interstate commerce, and therefore, was not entitled under the "Grandfather" clause of the Federal Motor Carrier Act 1935 to a Certificate as a matter of right, and was not entitled to a Certificate of Public Convenience and Necessity from this Commission. Therefore, the application was denied on May 1, 1936.

The Nance Transfer Company thereupon filed its bill of complaint in the Circuit Court of the Fourth Judicial Circuit in and for Duval County setting up these facts, and alleging that it was a bona fide operator under the Federal Motor Carrier Act 1935, and that it had a Federal right to continue such operation until its application was heard by the Interstate Commerce Commission. Application for temporary injunction was denied.

Plaintiff, thereupon, filed an amendment to its bill of complaint alleging that it had filed its application with the Interstate Commerce Commission, and had also attempted to file an application with the Railroad Commission for Certificate of Registration authorizing it to continue to operate until the Interstate Commerce Commission passed on its application, and this had been refused by the Railroad Commission of Florida.

Temporary restraining order was entered by the Court on July 21, 1936, enjoining the Railroad Commission and its agents and inspectors from interfering with the operations of the Nance Transfer Company, and the operations of their motor vehicles so long as the plaintiff's motor vehicles are operated in exclusively interstate commerce, and not in violation of the laws, rules or regulations of the Florida Railroad Commission.

Answer of defendants, and motion to dismiss bill of complaint was filed in the cause, in which it was alleged that defendants do not seek to deny plaintiff the right to engage in interstate commerce, nor to interfere with its operations as an interstate carrier, but seek only to enforce the police regulations of the State, and that plaintiffs have failed and refused to comply with these regulations, and praying that the injunction be dissolved and bill of complaint be dismissed.

Upon hearing, the Judge of the Circuit Court entered his order as of December 21, 1936, dissolving the injunction and dismissing the bill of complaint.

14. William F. Pendleton vs. Railroad Commission. Circuit Court Fourth Judicial Circuit, Duval County. Injunction.

On May 27, 1936 bill of complaint was filed by William F. Pendleton against the Railroad Commission alleging that he has been operating continuously as a common carrier by motor vehicle engaged exclusively in interstate commerce between Valdosta, Georgia, and Jacksonville, Florida, over State Highway No. 4, and over Florida State Highway No. 1 from Jacksonville to Lake City, and thence from Lake City to the Georgia-Florida line over Highway No. 2 since September 7, 1932, and that he applied for an injunction against the members of the Railroad Commission, and their inspectors and agents, enjoining them from arresting or causing the arrest or molesting or interfering with his motor vehicles so long as he is engaged in interstate commerce, and not in violation of any of the rules and regulations of the Railroad Commission of the State of Florida.

Temporary restraining order was entered on May 27, 1936 enjoining the members of the Railroad Commission, their agents and inspectors, from interfering with the motor trucks of the said William F. Pendleton "so long as the same are conducted and operated exclusively in interstate commerce and not in conflict with the provisions of the Federal Motor Carrier Act 1935. 49 U. S. C. A., Section 301-227, nor in conflict with the tax laws of the State of Florida with respect to the length, width, size, weight and equipment of vehicles operated, and the laws of the State of Florida regulating the manner of operation of such vehicles over the Florida highways."

This Order further provided, among other things, that it should not take effect until an application had been made to the Railroad Commission for a Certificate of Registration, and that when the application was made the plaintiff should offer to pay all mileage taxes lawfuy due to the State of Florida by virtue of his operation from its inception, and such tax shall be paid prior to the issuance of such Certificate of Registration.

Wm. F. Pendleton thereupon filed his application for Certificate of Registration with the Commission, paid all of his mileage taxes, and agreed to conform to all police regulations of the State of Florida, and Certificate of Registration was thereupon issued to him by the Railroad Commission of Florida on October 10th, 1936.

These matters have been presented to the Court. The Court entered an order dissolving temporary injunction and dismissing the bill of complaint.

15. William M. Thomas, Doing Business as Thomas Truck Line vs. Railroad Commission. Circuit Court Fourth Judicial Circuit, Duval County. Injunction.

On May 30, 1936 Thomas Truck Line filed its bill of complaint in the Circuit Court of the Fourth Judicial Circuit in and for Duval County against the Railroad Commission seeking an injunction restraining the members of the Commission and their inspectors from interfering with the operations of the motor vehicles of the plaintiff in its business of interstate commerce between Valdosta, Georgia, and Jacksonville, Florida. Plaintiff further alleged that it was engaged in interstate commerce prior to June 1, 1935 and that under and by virtue of the "Grandfather" clause of the Federal Motor Carrier Act 1935 it was entitled to a Certificate of Public Convenience and Necessity as a matter of right to operate in interstate commerce; that it had filed its application with the Interstate Commerce Commission and was ready to comply with all the rules and regulations of the Railroad Commission of Florida in its enforcement of the police regulations of the State of Florida.

Temporary restraining order was entered enjoining and restraining the members of the Railroad Commission, and their inspectors, from arresting, or causing the arrest, of plaintiff's drivers or molesting or interfering with plaintiff's motor vehicles so long as the same were operated exclusively in interstate commerce, and not in conflict with the tax laws of the State of Florida, or the laws with respect to the length, width, size and weight and equipment of motor vehicles operated. The temporary restraining order also provided that it should not become effective until due application should be made by the plaintiff to the Florida Railroad Commission for Certificate of Registration for this operation.

Application was made to the Florida Railroad Commission by Thomas Truck Line for such Certificate of Registration, and such Certificate was ordered granted to Thomas Truck Line when it had complied with all police regulations of the State of Florida as to the payment of mileage taxes and regulations concerning the width and length of motor vehicles.

Thereupon motion to dissolve the injunction and dismiss the bill of complaint was filed in this cause on November 6, and the Court on the same date entered its order dissolving the temporary restraining order and dismissing the bill.

16. **Hattie A. Quidley, a Widow, Operating and Doing Business as Quidley Transfer Company vs. Railroad Commission. Circuit Court of the Fourth Judicial Circuit in and for Nassau County. Injunction.**

Quidley Transfer Company of Charleston, S. C., filed bill of complaint in the Circuit Court of the Fourth Judicial Circuit in and for Nassau County seeking an injunction against the members of the Railroad Commission, their agents and inspectors, restraining them from interfering with the operation of plaintiff as a private contract carrier by motor vehicle engaged in exclusively interstate commerce between the cities of Charleston, S. C., and Jacksonville, Florida.

Temporary restraining order was issued providing that it should not become effective until plaintiff had filed an application with the Railroad Commission of Florida for a Certificate of Registration as an interstate carrier and complied with all the police regulations of the State, including the payment of mileage taxes from the inception of the operation as stated in the bill of complaint. This application was filed and the terms of the injunction were complied with and an order entered by the Railroad Commission of the State of Florida authorizing the issuance of a Certificate of Registration.

These facts being presented to the Court it entered its order dissolving temporary order and dismissing the bill of complaint on November 6, 1936.

17. **T. H. Lawrence and F. B. Lawrence, Doing Business as Lawrence Brothers vs. Railroad Commission. Circuit Court Fourth Judicial Circuit, Duval County. Injunction.**

On the 20th day of April, 1936, one of the inspectors of the Florida Railroad Commission stopped truck of Lawrence Brothers at the State line and refused to allow it to enter the State of Florida. Thereupon Lawrence Brothers filed their bill of complaint in the Circuit Court, Duval County, State of Florida, alleging that it was an interstate operator and that it had en-route interstate shipments of dairy products destined for Jacksonville, Florida, and that said shipments were perishable and were interstate commerce and asked for a stay order until this matter could be set down for hearing upon an application for temporary restraining order.

One of the Judges of the Circuit Court of Duval County on the 4th day of May, 1936, entered his stay order and set the matter down for hearing at an early date. At this hearing, on motion of applicant for temporary injunction, an order was en-

tered by the Court on June 5th, 1936, dissolving the stay order of May 4th and denying the application for temporary injunction. Thereupon Lawrence Brothers filed their bill of complaint in the United States District Court for the Southern District of Florida seeking an injunction against the Railroad Commission.

After bill was filed with the Federal District Court for the Southern District of Florida a motion for an order of dismissal was filed in this cause on the ground that the same relief was being sought in the Federal Court, and that the defendants had filed in said Court their answer and motion to dismiss, and that the same questions were involved in this suit as that already in the Federal Court suit and defendants prayed that the case be dismissed. The Circuit Judge, thereupon, entered his Order of December 21, 1936 dismissing the bill of complaint without prejudice.

18. Lawrence Brothers vs. Railroad Commission. United States District Court for the Southern District of Florida. Injunction.

In January, 1936, Lawrence Brothers brought their bill of complaint against the Railroad Commission in the United States District Court for the Southern District of Florida alleging that they were citizens of the State of Tennessee and were engaged in interstate commerce as private contract carriers under contract with Borden-Southern & Company of New York, and that under said contract they transported only milk and cream, and that said products are exempt under the Federal Motor Carrier Act of 1935, and therefore they should be allowed to operate in the State of Florida without complying with the police regulations of the State of Florida.

Temporary preliminary restraining order was entered by the Judge of said District Court restraining the defendants from interfering with this operation until the matter could be set down for hearing.

Answer and motion to dismiss has been filed by defendants denying the allegations of the bill of complaint and contending that Lawrence Brothers are subject to the police regulations of the State of Florida in their operations. The matter is pending before the Federal Court.

19. L. & L. Freight Lines, Inc., and K. & L. Transportation Company vs. Railroad Commission and State Road Department. United States District Court in and for the Southern District of Florida. Injunction.

On October 28, 1936 L. & L. Freight Lines and K. & L. Transportation Company filed their bill of complaint against the Florida Railroad Commission and the State Road Department, seeking an injunction restraining the defendants, their agents and inspectors from annoying or interfering with the business of plaintiffs in their operation of motor vehicles engaged in interstate commerce transporting interstate freight from Georgia to Florida, or from Florida to Georgia, and from enforcing Section 11 of Chapter 14764, Laws of Florida 1931, or Rule No. 67 of the Rules and Regulations of the Railroad Commission in reference to gross load to be transported by motor trucks over the highways of the State, so long as the plaintiffs motor vehicles do not have an unreasonable or excess load so as to cause an inordinate use of the State highways, or are not violating any of the laws of the State of Florida or the rules and regulations of the Railroad Commission that can be imposed against such carriers.

The defendant, members of the Railroad Commission and of the State Road Department, filed their motion to dismiss bill of complaint on the ground, among others, that the States have never given up their right to prescribe reasonable and non-discriminatory police regulations governing the gross load weight of vehicles using their highways, and that Congress has not attempted to prescribe the gross load weight of motor vehicles in interstate commerce, and neither the Interstate Commerce Commission nor any other Federal agency has been given any authority to prescribe such weights, nor has the Interstate Commerce Commission, or any other Federal agency, attempted to exercise any such authority or prescribe any such regulations, and, therefore, all reasonable and non-discriminatory State regulations of the State are valid and enforceable.

This matter was fully argued and the Judge of the United States District Court for the Southern District of Florida entered his order on October 29, 1936, denying motion for temporary restraining order and dismissing the bill of complaint.

A copy of this order and the memorandum of the Judge is as follows:

**"UNITED STATES DISTRICT COURT, SOUTHERN
DISTRICT OF FLORIDA, JACKSONVILLE
DIVISION, No. 866-J-EQ. IN EQUITY.**

"L. & L. FREIGHT LINES, INC., a
corporation, and K. & L. TRANS-
PORTATION COMPANY, INC., a
corporation,

Plaintiffs,

vs.

"RAILROAD COMMISSION OF
FLORIDA, ET AL., and STATE
ROAD DEPARTMENT OF THE
STATE OF FLORIDA, ET AL.,

Defendants.

ORDER

"This cause having been submitted, after argument,
upon the pleadings hereinafter mentioned, it is upon
consideration thereof,

ORDERED, ADJUDGED AND DECREED:

- "1. The motion, *ore tenus*, of L. & L. Freight Lines,
Inc., for a temporary restraining order as prayed
in the bill, is denied.
- "2. Motion of defendants to dismiss the bill of com-
plaint, is granted.
- "3. Exceptions noted for all parties.

**"DONE AND ORDERED AT JACKSONVILLE,
FLORIDA, October 29, 1936.**

.....
"Louie W. Strum,
U. S. District Judge."

MEMORANDUM

In Sec. 204 (a) (1) of the Motor Carrier Act, 1935, (49 U. S. C. A., 304) Congress authorizes the Interstate Commerce Commission "to regulate common carriers by motor vehicle *as provided in this chapter*, and to that end the Commission may establish reasonable requirements with respect to continuous and adequate service, transportation of baggage and express, uniform systems of accounts, records, and reports, preservation of records, qualifications and maximum hours of service of employees, and safety of operation and equipment.

It is significant, and worthy of particular note, that the regulation of "weights" of such motor vehicles,—obviously a most important element of regulation,—was not included amongst the matters specifically enumerated in Sec. 204 (a) (1). The Act contains no express or specific regulation, nor authority to regulate, motor carriers as to size or weights. If such authority is to be found in the Act it must be spelled out either from the general language "to regulate common carriers by motor vehicle," or by interpretation of the term "safety of operation and equipment."

The argument that such authority is to be found in the quoted phrases is refuted by the specific provisions of Sec. 225 of the Act (49 U. S. C. A. 325) that "the Commission is hereby authorized to *investigate and report on the need* for Federal regulation of the sizes and weights of motor vehicles and combinations of motor vehicles * * * ." It should be noted that this section does not provide that the Commission shall *determine* by investigation what the sizes and weights of motor vehicles should be, and thereupon to adopt regulations to put the same into effect. The authority is merely to "investigate and report on" the "need" for Federal regulations of sizes and weights,—a wholly prospective matter, clearly indicating an absence of intent to presently regulate in that respect. If Congress intended to presently regulate in respect of sizes and weights, but desired the Commission to first determine by investigation what the regulations should be and thereafter put the same into effect, more apt language to that end would have, no doubt been used. Sec. 204 of the Act specifically enumerates practically every aspect of regulation, except as to sizes and weights. The language of Sec. 225 of the Act makes it quite clear that the omission of sizes and weights was no mere oversight, but was deliberate. When that omission is viewed in connection with the language of Sec. 225 of the Act authorizing the Commission to investigate and "report on" the "need" for Federal regulation of sizes and weights,—not to determine what such regulations shall be, nor to put any such regulation in effect, but merely to

"report"—the conclusion is inescapable that Congress intended to withhold regulation in that respect until some future time.

Of course, the size and weight of vehicles has an indirect effect upon safety of operation and equipment, as it may enter into a consideration of the type and power of brakes with which the vehicle should be equipped. Primarily, however, size and weight is a problem of road stress,—a problem which may vary widely in different States, as well as in different parts of the same State, depending upon the construction and age of roads. In the latter aspect the problem is therefore one primarily local in nature, which, no doubt, explains why Congress withheld regulation in that respect until the Commission "investigates and reports."

In the absence of Sec. 225 of the Act, it might appear that the Commission has the power to regulate sizes and weights as incidental to safety of operation and equipment, under the powers enumerated in Sec. 204. When viewed in connection with the omission of a specific enumeration as to sizes and weight in Sec. 204 of the Act, Sec. 225 is a clear negation of any present intent on the part of Congress to regulate as to sizes and weights until the Commission has investigated and reported.

The Court has considered the fact that some member of Congress stated in committee or in debate, that when the Commission determined what sizes and weights should be imposed that it could then put such regulations into effect without additional legislation. That statement, however, while pertinent, is a matter of individual opinion of the legislator. The Court is also aware that amendments were offered, which in effect purported to expressly authorize recognition of the continued exercise by the States of their police powers, which amendments were not adopted. But there may have been many reasons for the rejection of these general amendments. Their defeat does not evidence an intention to pre-empt that field of regulation when taken in connection with the other matter hereinabove mentioned.

Before the Court holds that the regulatory police powers of the States are suspended and superseded so as to deprive the States of authority to prescribe sizes and weights of vehicles using State highways in interstate commerce, there must be clear and unmistakable evidence of an intent on the part of Congress to occupy and pre-empt that field of regulation to the exclusion of the States, assuming for the purpose of this hearing that Congress has the power so to do. For the reasons stated, evidence of such an intent on the part of Congress to regulate as to sizes and weights, is not only lacking, but in the opinion of the Court is negated by Sec. 225 of the Act.

LOUIE W. STRUM,
U. S. District Judge.

Jacksonville, Florida,
October 29, 1936.

Plaintiff, L. & L. Feight Lines, thereupon filed an amendment to its Bill of Complaint and asked for a rehearing of its previous motion for temporary restraining order which motion was denied by above Order of October 29, 1936.

A rehearing was granted by the Court but limited to the question of whether or not Section 11 of Chapter 14764, Laws of 1931, which limits the weight of common carrier trucks to 12,000 pounds, constitutes an undue burden upon interstate commerce even in the absence of Federal regulation as to size and weight of trucks engaged in interstate commerce. This Order was dated January 13, 1937.

20. L. & L. Freight Lines, Inc., and K. & L. Transportation Company vs. Railroad Commission and State Road Department. Circuit Court of Nassau County. Injunction.

On September 3, 1936, plaintiffs filed their bill of complaint against the Railroad Commission and the State Road Department seeking to enjoin the defendants from interfering with the plaintiffs in the operation of their motor vehicles in interstate commerce so long as plaintiffs operated their vehicles exclusively in interstate commerce and with a gross load not in excess of 34,000 pounds. At the same time notice was given of application for temporary restraining order on said bill.

Hearing was had upon the application of complainant for temporary injunction. The matter was argued and submitted to the Court by solicitors for the respective parties, and the Court entered its order, dated September 8, 1936, denying the temporary injunction. Answer of defendants was filed denying the allegations of the bill and contending that Congress did not attempt by the passage of the Federal Motor Carrier Act to regulate nor prescribe weights of motor vehicles operating in interstate commerce but by Section 225 of said Motor Carrier Act of 1935 it has delayed taking any action in reference to size and weight of motor vehicles and combination of motor vehicles until the Interstate Commerce Commission had investigated and reported to Congress the need for such Federal regulation, and that, therefore, valid State regulations are enforceable against the operation of trucks in interstate commerce.

This matter was set down for hearing on bill and answer and motion to dismiss bill of complaint filed by defendants, and the matter was thoroughly argued by counsel for both

parties, and the Court entered its order on December 21, 1936, dismissing the bill of complaint.

21. L. & L. Freight Lines, Inc., vs. Railroad Commission and State Road Department of the State of Florida. United States Distict Court for the Southern District of Florida. Injunction.

L. & L. Freight Lines on December 3, 1936, filed its bill of complaint for injunction in the United States District Court for the Southern District of Florida seeking to enjoin the Railroad Commission of Florida, and the State Road Department, from enforcing against it in its interstate operations that portion of Section 11 of Chapter 14,764, laws of Florida 1931, which limits trucks and trailers to a load of 12,000 pounds. The plaintiff contended that by the Motor Carrier Act of August 9, 1935, Congress assumed the regulation of interstate motor carriers for hire preempting the field to the exclusion of State regulation. In other words, the direct question presented by its bill is whether or not Congress has assumed the regulation of interstate motor vehicle carriers as to weight, and if so, whether such Federal regulation displaces the Florida regulatory statute.

This matter was argued before the Court and Judge Strum of the Federal District Court denied the injunction holding that the Federal Motor Carrier Act did not include any express regulation nor offer to regulate motor carriers as to size and weight.

The Court held that under Section 225 of the Federal Motor Carrier Act "the Commission is hereby authorized to investigate and report on the need for Federal regulation of the size and weight of motor vehicles and combination of motor vehicles, clearly indicating the absence of intent to presently regulate in that respect." See 17 Fed. Supp. 13.

22. State of Florida, Ex Rel, Morris Coats vs. H. R. Whitaker as Sheriff of Flagler County. Supreme Court of Florida. Habeas Corpus.

On the 17th day of September 1936 Morris Coats was arrested in Flagler County, Florida, charged with operating a certain motor truck in said county and State in the business of transporting commercial fertilizer for compensation over State Road No. 4 without having a Certificate of Public Convenience and Necessity from the Railroad Commission.

On November 13, 1936, a preliminary hearing was held before the County Judge of Flagler County upon an agreed statement of facts and the County Judge ordered that petitioner be re-

manded to the custody of the Sheriff of Flagler County for trial in the Circuit Court of the Seventh Judicial Circuit of Florida.

Petition for Writ of Habeas Corpus was filed before the Supreme Court of the State of Florida alleging these facts and praying that the Court would enter an order discharging the petitioner from custody. As this involved Chapter 14,764, Acts of 1931 (the Motor Transportation Act), counsel for the Florida Railroad Commission represented the Sheriff, the respondent in this cause. The case was fully briefed and argued before the Court, and on December 18, 1936, the Supreme Court entered its opinion in this cause, as follows:

**IN THE SUPREME COURT OF FLORIDA,
JUNE TERM, A. D. 1936.**

STATE OF FLORIDA, ex rel.
MORRIS COATS,

Relator.

vs.

H. R. WHITAKER, Sheriff of
Flagler County, Florida,

Respondent.

HABEAS CORPUS
ORIGINAL PROCEEDINGS

Opinion filed December 18, 1936.

A case of original jurisdiction—Habeas Corpus.

Thad H. Carlton, Fred R. Wilson and Errol S. Willes,
for Relator;

Theo. T. Turnbull and Wm. P. Simmons, Jr., for Respondent.

PER CURIAM

Petitioner in this case is the owner of a truck and 4 wheel trailer licensed under Chapter 16085, Acts of 1933, for "private use," that is to say, his motor vehicles are not equipped with "for hire" license tags, issued under said act, although he hauls for compensation agricultural and horticultural products exclusively from the point of production, assembly or primary manufacture of such products to Jacksonville, a point of transshipment of same by rail, or water, carriage, as he is permitted to do by the express provisions of Section 2 of Chapter 16085, Acts of 1933 (Section 1011 R. G. S. as amended).

On a return trip from Jacksonville, petitioner was arrested in Flagler County for being engaged in the transportation for

compensation of a load of fertilizer directly from the Virginia Carolina Chemical Corporation, the manufacturer thereof, to a farmer consumer in Fort Pierce. The committing magistrate before whom he was haled on a charge of operating his motor vehicle without a permit as required by Chapter 14764, Acts 1931, found as a fact that the hauling was on a return load made as a casual and irregular trip, and with no fixed termini or regular schedule, but remanded him for trial under Chapter 14764, *supra*, on the ground that fertilizer so hauled from manufacturer to consumer for compensation was not within any of the exceptions of Section 30 of Chapter 14764, Acts 1931, although it might be considered the haulage of an agricultural supply that would be within the exception of Section 2 of Chapter 16085, Acts 1933, insofar as "for hire" licensing of the vehicle is concerned.

Where a motor vehicle is being operated in hauling for compensation as defined by Chapter 14764, Acts of 1931, not devoted "exclusively" to an operation exempted by Section 30 of said Chapter 14764, Acts 1931, from the requirement of a certificate or permit from the Railroad Commission to conduct such business of haulage for compensation, it is subject to the requirements of said Act, and, absent a certificate or permit from the Railroad Commission, a prosecution will lie under said Act for carrying on any of the operations therein described for which a permit or certificate from the Railroad Commission is required.

Under Section 30 of Chapter 14764, Acts 1931, casual or irregular trips by motor vehicle (even for compensation) where the vehicles involved are not engaged in the *business* of for hire carriage, and are permitted by law to operate under a private license (altho compensation is received) insofar as the motor vehicle license law is concerned, do not subject the owner or operator of such vehicles to the requirement of permits or certificates as imposed by Chapter 14764, *supra*, for ordinary contract carriers. But said Section 30 of Chapter 14764, Acts 1931, does not excuse violations of the terms of said Chapter 14764, *supra*, merely because the violations are casual and irregular in their occurrence.

The committing magistrate's recital of his findings of fact upon which the petitioner was committed for trial for a violation of Chapter 14764, *supra*, show that while petitioner's movement and haulage of agricultural and horticultural products is from the point of production of such agricultural and horticultural products to Jacksonville as a point of trans-shipment and is to that extent an exempt operation within the purview of

Section 30 of Chapter 14764, Acts 1931, that nevertheless petitioner's return haulage for compensation of fertilizer from Jacksonville to consumer consignees thereof is not within the description of any of the particularly exempt operations defined by Section 30 of Chapter 14764, Acts 1931. Therefore petitioner is prima facie shown to have been violating said Chapter 14764, supra, in the particulars charged in his commitment, and should accordingly be remanded to custody to be dealt with according to law.

PRISONER REMANDED.

WHITFIELD, C. J. and ELLIS, BUFORD AND DAVIS, J. J.

Concur.

BROWN, J. Dissents.

BROWN, J. Dissenting:

The petitioner was engaged in transporting for compensation fertilizer, an agricultural supply, direct to the grower, under his private license, on a casual or irregular trip. Section 30 of chapter 14764 exempts such operation from that Act "so long as such motor vehicles may not lawfully be required to operate under for hire license tags." This of course refers one to the Motor Vehicle License Act, Chapter 16085, to see whether this petitioner could lawfully be required to operate under a "for hire" license tag. The proviso in Section 3 of that Act, Chapter 16085, expressly provides that vehicles used in the transportation of "agricultural supplies direct to the grower or consumers of said supplies" shall not be deemed "for hire" vehicles within the terms of this Act." So, the petitioner should be discharged."

This case is cited as STATE vs. WHITAKER, 171 SO. 521.

23. Cental Truck Lines, Inc., vs. Railroad Commission and Seaboard Air Line Railway. Supreme Court of Florida. Certiorari.

On October 12, 1936, Central Truck Lines, an auto transportation company operating under Certificate of Public Convenience and Necessity authorizing common carriage of freight within the State of Florida, filed its petition for writ of certiorari asking the Court to quash four orders of the Railroad Commission granting authority to the receivers of the Seaboard Air Line Railway to operate a substituted rail-freight transportation by motor vehicle between certain of its stations on its line of railroad in various parts of the State of Florida. The Orders attacked of the Commission are: Order No. 716 dated November 26, 1934; Order No. 777 dated August 6, 1935; Order No. 818

dated December 27, 1935, and Order No. 884 dated August 18, 1936.

By these various orders there was vested in the receivers of the Seaboard Air Line Railway a special limited and restricted Certificate of Public Convenience and Necessity known as 183 covering the routes from Jacksonville to Wildwood via Waldo and Ocala; Tampa to Brooksville over State Road No. 5; Tampa to Pinellas peninsular points and points lying between Clearwater and Tarpon Springs on the west and Brooksville and State Road No. 5 on the east, and also Wildwood to Tampa via Plant City. These orders permitted no pick-up and delivery service but was to be a mere substitution for rail service. Central Truck Lines contended that the Railroad Commission by the issuance of Traffic Circular No. 30, dated February 5, 1936, which approved pick-up and delivery service, allowed the rail carriers by the Interstate Commerce Commission, and approving an allowance to consignors or consignees of 5c per hundred pounds on freight delivered to rail stations for shipment and on freight accepted for delivery at rail stations, constituted the rail carrier an auto transportation company. It further contended that a showing of public convenience and necessity was required by the carrier before authority could be granted it to operate as permitted by these orders, and since this showing had not been made the orders should be quashed.

This matter has been fully briefed in the Supreme Court and orally argued on November 17, 1936. No opinion has as yet been rendered by the Court.

24. Barber Transportation Company, Inc., vs. Railroad Commission. Circuit Court of Second Judicial Circuit of Leon County. Injunction.

On November 6, 1936, bill of complaint was filed by Barber Transportation Company, Inc., against the Railroad Commission of the State of Florida seeking to enjoin the defendants from interfering with the operations of the motor vehicles of the plaintiff so long as its motor vehicles are operated exclusively in interstate commerce, and not in violation of any reasonable police regulations of the State of Florida. Temporary restraining order was entered on November 6, 1936, and the matter was set down for hearing on November 16, 1936. Defendants filed their answer and motion to dismiss.

In the answer it was contended that Barber Transportation Company had been operating illegally over the highways of the State of Florida and with total disregard of the laws and rules

of the Railroad Commission, and had been many times arrested for failure to comply with the police regulations; that it had given checks both to the Railroad Commission, and to the Comptroller for mileage taxes, which checks had been turned down and payment on them refused; and that even though Barber Transportation Company was operating in interstate commerce it wasn't engaged in a bona fide operation, did not come into equity with clean hands, and was not entitled to any relief from a Court of Equity.

This matter was set down for hearing and proof of the allegations of the answer was submitted by defendants. At the close of the testimony of defendants, counsel for plaintiffs made motion for continuance of the case on account of the illness of representatives of the Barber Transportation Company. The taking of further testimony was postponed to a later date. This hearing was held on December 7, 1936, and no further hearing has been held and the matter is pending upon bill and answer before the Court.

25. Railroad Commission vs. City Taxi Company of Tallahassee, Florida. Circuit Court of Leon County. Injunction.

Many complaints coming to the Railroad Commission that the City Taxi Company of Tallahassee, Florida, was transporting passengers outside the limits of the city of Tallahassee, and the adjacent suburban territory, without a Certificate of Public Convenience and Necessity, and the City Taxi Company refusing to qualify with the Commission and secure a permit for such operation, bill of complaint seeking an injunction to restrain them from such operation, and for the special purpose of obtaining a judicial interpretation of the meaning of "adjacent suburban territory" as set out in Chapter 14764, Acts of 1931, was filed against City Taxi Company in the Circuit Court of Leon County.

A hearing was had before the Judge of said Court on October 2, 1936, on application for temporary restraining order, and also on motion to dismiss the bill of complaint filed by defendants. Motion to dismiss was denied by the Court and the temporary restraining order was orally denied without prejudice to again present the application if defendants persist in violation of the law.

This case is still pending before the Circuit Court of the Second Judicial Circuit of Florida in and for Leon County.

26. **Tamiami Trail Tours, Inc., vs. Railroad Commission.**
Supreme Court of Florida. Certiorari.

Tamiami Trail Tours, a certificated common carrier of passengers and light express operating between Tampa, St. Petersburg and Miami, Florida, filed its application on May 27, 1935, for an extension of its Certificate of Public Convenience and Necessity No. 28 to transport passengers and light express between Tampa and the Georgia-Florida State line via Brooksville, Inverness, Dunnellon, Williston, Cross City, Perry and Tallahassee over State Highways Nos. 5, 19 and 10.

After an extended hearing lasting several weeks, and after compiling a record of more than 1500 pages, the Railroad Commission wrote its opinion and entered its order denying the application of Tamiami Trail Tours, Inc., on the ground that this territory was almost completely occupied by Florida Motor Lines, Inc., and Gulf Crescent Motor Lines, who were operating regular bus service between Tampa and Tallahassee, Florida, and by Coleman Motor Lines who operated between Tallahassee and the Georgia-Florida line over Highway No. 10.

A majority of the Commission concurred in the opinion and order with Commissioner Carter dissenting. The opinions were filed in this case on October 16, 1935, but no order was entered until November 20, 1935.

On May 5, 1936, Tamaimi Trail Tours, Inc., filed its application for rehearing and reargument, and upon consideration the Railroad Commission entered its Order No. 861 denying rehearing and reargument on May 7, 1936.

Tamiami Trail Tours on November 15, 1936, filed its petition for certiorari seeking to quash the orders of the Railroad Commission.

Intervention on the part of Florida Motor Lines, Inc., Gulf Crescent Motor Lines, Gulf Coast Motor Lines, Union Bus Company, Receivers of Seaboard Air Line Railway and Atlantic Coast Line Railroad in this proceeding have been allowed by the Court.

This matter has been fully briefed and is ready for argument before the Supreme Court.

The foregoing is a brief resume of the more important cases participated in and handled by your counsel before the Interstate Commerce Commission and the law Courts. This report gives no consideration to the many hearings before the Commission which counsel attend, nor to the volume of correspondence

incident to their duties, nor to the number of opinions they are called upon to render and to write upon various phases of the regulatory law.

For the convenience of the Commission, and of those who appear before it in various cases an appendix is attached hereto listing the more important cases in which the motor vehicle statute has been construed by the Courts with a short statement of the holding of the Courts in each case.

Respectfully submitted,

THEO. T. TURNBULL,
Counsel.

WM. P. SIMMONS, JR.,
Assistant Counsel.

APPENDIX

Decisions Interpreting Florida Motor Transportation Laws.

Cahoon vs. Smith, 99 Fla. 1174; 128 So. 632.

Smith, the owner and operator of two motor vehicles used to transport goods under private contract for compensation on the public highways between fixed termini and over regular routes, was arrested for failure to apply for and secure a Certificate of Public Convenience and Necessity and conform to the other requirements of Chapter 13,700, Acts of 1929. He brought habeas corpus and the Circuit Court for Duval County held the Act unconstitutional as applied to such carriers. This was reversed on appeal, the Supreme Court holding:

1. Chapter 13,700 Acts of 1929, not invalid as to title.
2. The mileage tax imposed, not invalid because a "toll" for the use of public highways, but is a valid "license" upon the business of transporting for compensation.
3. The exemptions in the Act are not arbitrary, unreasonable, or unlawfully discriminatory.
4. The Act does not require private carriers to assume common carrier functions and liabilities, the provisions applicable to private carriers for compensation are separable.

(This case reversed by the Supreme Court of the United States. See Smith vs. Cahoon below.)

Smith vs. Cahoon, 283 U. S. 555; 75 L. Ed. 1264.

Appeal from the decision of the Supreme Court of Florida in the case of Cahoon vs. Smith, 99 Fla. 1174, 128 So. 632, which upheld the constitutionality of Chapter 13,700, Laws of Florida, Acts of 1929, as applied to private contract carriers for compensation. HELD: Florida Supreme Court reversed; statute invalid as to applicant:

1. The statute purports to require such private carriers to assume the duties and liabilities of common carriers, there being no distinction between the two on the

face of this statute and the imposition of such obligations on private carriers being beyond the power of the State.

2. The statute is void for uncertainty because not expressly distinguishing the provisions legally applicable to private carriers from those applicable to common carriers.

3. The Act is void because of discrimination in favor of certain private carriers who are exempted, (as against others engaged in like transportation) the classification not being based on anything related to public safety on the highway.

Florida Motor Lines vs. Railroad Commissioners, 100 Fla. 538; 129 So. 876.

After hearing, Commission granted Georgia-Florida Motor Lines authority to substitute four 25-passenger busses for the five 7-passenger sedans it had been operating under its "grandfather" certificate. Florida Motor Lines objected on the ground that it was operating in the territory involved (Jacksonville to Miami) and was allowed under its certificate sufficient equipment to take care of twice the number of passengers using bus service, and no public convenience and necessity had been shown by applicant. Relief is sought by certiorari.

HELD: Order of Commission quashed:

1. Under Chapter 13,700, Acts of 1929, application for substitution of busses as here was in nature of application for new service, and others already rendering similar service should be considered, and the law contemplates consideration of their rights and privileges where they will be materially injured. Commission did not give due consideration to the statutory privileges of petitioner or to the rights of the public to exclude unnecessary vehicles from operating for hire over the highways.

2. Writ of certiorari is proper method of appeal from quasi-judicial or judicial orders of Railroad Commission, the ultimate adjudication being to quash the judgment or order reviewed or to quash the writ of certiorari.

3. Administrative, ministerial and judicial functions of Railroad Commission upheld as constitutional and not being among

those "powers of government" which must be separately administered by the three main departments.

Seaboard Air Line Railway Company vs. Wells, 100 Fla. 1027, 130 So. 587.

Commission granted Union Bus Company authority to inaugurate night schedule between Jacksonville and Marianna without considering the effect on existing rail service. The Railway company brings certiorari.

HELD: Order of Commission quashed because due consideration not given to existing rail service.

1. The provision in Chapter 13,700, Acts of 1929, providing that in granting an application for a certificate the Commission "may take into consideration" certain elements including the effect it may have "upon other transportation facilities within the territory" means such consideration MUST be given since the proceedings are for the public benefit, and rail service is among the facilities to be considered.

2. The word "necessity" as used in the statute does not mean an absolute and indispensable necessity, but one reasonably necessary to meet the public needs. Public convenience and necessity must to a large extent depends on facts of each case.

3. Certiorari is the proper remedy (Citing Fla. Motor Lines vs. Railroad Commissioners, 100 Fla. 538; 129 So. 876).

In re Edwards, 100 Fla. 989; 130 So. 615.

About a year after April 19, 1929 ("Grandfather date" in Chapter 13,700, Acts of 1929) Edwards applied for and was denied by the Commission a certificate, claimed as a matter of right, to operate a truck service between Haines City and Orlando. On certiorari to review Commission order.

HELD: Certiorari denied:

1. "Grandfather" privilege was not exercised within a reasonable time.

2. Petition for Writ of Certiorari must set forth the substance of the evidence if it is to be relied upon in any way

to show the invalidity of a Commission order based upon it—mere setting forth the order with the statement that it was unsupported by the evidence is insufficient, being a conclusion of the pleader.

Seaboard Air Line Railway Company vs. Wells, 100 Fla. 1631; 131 So. 777. (Known as the Pace Case).

Upon application and hearing under Chapter 13,700, Acts of 1929, H. T. Pace was granted by Railroad Commission a certificate of public convenience and necessity to operate a truck service between Jacksonville and Tallahassee. The Commission did not consider the effect on existing rail carriers and whether they could furnish any additional service needed. The Seaboard brings certiorari to quash the order of the Commission.

HELD: Commission order quashed:

1. Commission did not proceed in accordance with the essential requirements of the law in refusing to consider the existing rail and express service.
 2. "There was no evidence showing that there was any real public necessity for its (applicant's) operation, when the service afforded by the railway and express companies is taken into consideration."
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Florida Motor Lines vs. State Railroad Commission, 101 Fla. 1018; 132 So. 851.

(See previous case between same parties, 100 Fla. 538; 129 So. 876.)

The Commission granted Georgia-Florida Motor Lines authority to substitute 24-passenger busses for 7-passenger sedans on their run from Jacksonville to Miami on ground of public safety, comfort and convenience. The order granted protestant Florida Motor Lines a similar privilege upon proper showing being made. The latter brings certiorari to quash the order of the Commission on the ground that it was an existing carrier over the route that it had not failed to provide facilities satisfactory to the Commission and that there was no necessity for further passenger facilities over the route.

HELD: Certiorari denied:

1.. Under Chapter 13,700, Acts of 1929, if there is substantial competent evidence legally sufficient to support the findings of the Commission, and no rule of law was violated, and the whole record does not show an abuse of authority or arbitrary action, the Commission order will not be set aside on certiorari.

2. Proof of public convenience and necessity as would support a new operation is not necessary to permit an existing certificate holder to improve its service by changing its type of equipment even over a route served by other carriers.

3. Order denies no right of Florida Motor Lines secured to it by statute especially as here where the schedule of the two carriers are different and they operate from different termini.

4. Railroad Commissioners are statutory officers and can exercise only such authority and functions as are expressly or impliedly provided for in statutes.

5. "The state may forbid the use of its highways in the business of transportation for hire even in interstate commerce, if no unjust discrimination is thereby perpetrated and federal instrumentalities are not hindered."

6. In absence of federal regulations, number, nature, size, weight and operation of vehicle used for hire on public highways may be regulated even as to interstate commerce, where such commerce is not discriminated against or unduly burdened.

Alkazin vs. Wells, 47 F. (2d) 904.

Application for interlocutory injunction before a three-judge Federal District Court against the Florida Railroad Commission to restrain the enforcement against applicant of the provisions of Chapter 13,700, Acts of 1929, the contention being that since applicant was engaged exclusively in the interstate transportation of passengers, that such Act as to him is violative of the commerce clause of the United States Constitution of the fourteenth amendment to that Constitution and of the Federal Aid Act and the Federal Highway Act.

HELD: Interlocutory injunction denied:

1. State may require interstate motor carrier to obtain certificate of convenience and necessity as prerequisite of use of public highways, the same is grantable on application as matter of course.

2. State regulations enforceable against interstate carrier:
 - a. Payment of reasonable, nondiscriminatory mileage tax.
 - b. Reasonable regulations for protection of safety and comfort of passengers.
 - c. Bond or insurance for protection of persons, other than passengers, who sustain injury due to carrier's negligence.
 - d. Others which are not named.
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Tyson vs. Stoutamire, 104 Fla. 505; 140 So. 454.

Tyson was arrested for transporting, but not for compensation within the terms of Chapter 14764, in a private motor vehicle a greater gross load than the 16,000 lb. limit prescribed by Section 3 of Chapter 15625, Acts of 1931, the Motor Vehicle Licensing Act. He contends these laws create an unlawful discrimination against him since a certificated vehicle under Chapter 14764 is allowed a greater weight. Relief sought by Habeas Corpus.

HELD: No denial of equal protection of the laws:

1. The legislative classification of public service vehicles as against private ones for the purpose of regulation is valid and reasonable.
 2. The legislature may impose on carriers for compensation such greater or less burden as its wisdom may dictate.
 3. Chapters 14764 and 15625 are not in irreconcilable conflict but are *pari materia* and must be construed together since both passed same session of Legislature, both deal with same general subject and the latter provides that nothing therein shall repeal the former. (Purpose and intent of the two Acts stated.)
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L. & N. Railway Company vs. Matthews, 104 Fla. 603; 140 So. 469.

(See previous case of Seaboard Air Line Railway Company vs. Wells, 100 Fla. 1027; 130 So. 587.)

Certiorari by rail carriers to review Railroad Commission order granting to Union Bus Line a certificate of public con-

venience and necessity to operate night service between Jacksonville and Marianna.

HELD: Writ quashed.

1. On certiorari, even tho the court might have reached a different conclusion on the evidence, this would not justify substitution of its judgment for that of the Railroad Commission within whose jurisdiction lies the power to decide the question of public convenience and necessity.

2. Review of findings and conclusions of Railroad Commission on certiorari is not appellate in its nature, so as to determine whether error was committed as on writ of error or appeal.

Riley vs. Lawson, 106 Fla. 521; 143 So. 619.

Riley, a citizen and taxpayer, brought a Bill of Complaint under Section 25, of Chapter 14764, Acts of 1931, to enjoin Lawson from engaging in the business of hauling as a "private contract carrier" as defined in the Act without having secured a certificate or permit from the Railroad Commission. The circuit judge dismissed the bill, holding the Act unconstitutional as applied to private contract carriers.

HELD: Act constitutional.

1. Use of public highways for gain is special and extraordinary, is not a right but a privilege even as to private contract carriers, and may be prohibited entirely by the Legislature which may permit such use on certain conditions and under certain regulations.

2. Two principles under which state may regulate the use of public highways for gain are:

- a. Nature of the business—hauling for compensation.
- b. The right to conserve and protect public highways.

3. While the state may entirely prohibit the use of the highways for gain, there are limitations on its right to condition such use.

- a. It may not exact as a condition the surrender of any right guaranteed by the federal constitution.
- b. It cannot deny to permittees of the same class the equal protection of the laws. This rule does not limit wide discretion in classifying under the police

power, presumption being that such legislation is valid when any conditions are present which will warrant the classification made. Under this rule motor vehicles may be treated as a special class.

4. Private contract carriers may be separately classified and dealt with as distinguished from common carriers, and such private carriers who operate in continuous and recurring carriage may be regulated separately from those whose operations are ordinary or casual. (Long discussion of the three classifications in the Act.)

5. Construed as a whole the Act contemplates that private contract carriers be granted certificates as a matter of course, no public necessity or demand required to be shown, but consideration must be given to existing facilities and whether the proposed use of the highways would be an inordinate one.

6. The Act does not impair the right to contract—"the rule is that, if the power exists to accomplish the regulation attempted, such interference with the right to contract is justified as an aid to its exercise."

7. Since the Act on its face specifically sets forth the portions applicable to private contract carriers, such a carrier can be protected by appropriate judicial proceedings from enforcement against him of inapplicable provisions.

Dickinson vs. Cahoon, 107 Fla. 155; 144 So. 345.

Attack by habeas corpus on the right to enforce the general 16,000 lb. gross vehicle weight limit prescribed by the Motor Vehicle Licensing Act as against certificated carriers under Chapter 14764, Acts of 1931.

HELD:

1. "Chapter 14764, as a regulatory Act, is complete in itself. Without reference to any other statute in this state, this special Act dealing with certificated motor vehicles, contains within its four corners all the principles of regulation and supervision which are to be applied to those certificated vehicles falling within its purview."

2. The motor vehicle law (now Chapter 15625, Acts of 1931) is principally a licensing and taxing measure intended for motor vehicles generally, but Chapter 14764 being a separate classification of particular vehicles used for hire, rendered in-

applicable as to such vehicles the regulation as to weight, speed, etc., in the licensing Act.

3. The legal effect of the last paragraph in Section 11 of Chapter 14764 is to limit the combined weight and load of all vehicles operating under that Act to 24,000 lbs.

4. The Railroad Commission may be "some special regulation—within the scope of its power to make reasonable rules and regulations applicable to any and all transportation companies," restrict the weight limit of vehicles under its jurisdiction to less than 24,000 lbs.

Central Truck Lines vs. Railroad Commission, 109 Fla. 395; 147 So. 590.

Strickland Transfer Company, a certificated operator between Orlando and Tampa, having purchased under authority from the Commission the certificate rights of Merchants Transfer Company, which operated between Orlando and Daytona Beach, applied for and received the approval of the Railroad Commission to change its combined schedule from Daytona Beach to Tampa, so as to provide an expedited service. Central Truck Lines brings certiorari to quash the order of the Commission contending the new schedule creates a new service for which there is no necessity if rights of existing carriers, who already operate thru schedules and are able and willing to furnish any additional services, are considered.

HELD: Writ of certiorari quashed:

1. Commission may grant improved schedule to carrier without considering effect on competing carriers, this not being the granting of a new service.

2. Findings and conclusions of the Commission will not be set aside on certiorari where there was substantial competent evidence to sustain them and no rule of law was violated and the record discloses no abuse of authority or arbitrary action. (After discussion of the evidence.)

3. Under Chapter 14764, Commission must consider effect on competing lines only:

a. When new certificate is sought

When approval is sought for transfer of certificate.

Merchants Mutual Association vs. Matthews, 110 Fla. 325; 149 So. 27.

Appellant is a co-operative association organized for the express purpose of transporting at actual cost the goods of its stockholders only, and seeks an injunction (denied by the Circuit Judge) to restrain any interference with its operations by the Railroad Commission.

HELD: Injunction denied:

1. The organization is a private contract carrier because it contracts with its stockholders and hauls for them for compensation, and is therefore under the jurisdiction of the Railroad Commission.

Matthews vs. State ex. rel. St. Andrews Bay Transportation Company, 111 Fla. 587; 149 So. 648.

The Commission denied application of Union Bus Company to extend its interstate bus operations from Marianna, Florida, to Dothan, Alabama, on ground that application did not appear to be exclusively interstate. Applicant then amended its application to show that proposed service would be entirely interstate. The St. Andrews Bay Company obtained a writ of prohibition against the Commission prohibiting further proceedings on the amended application on the ground that Section 3 of Chapter 14764 prohibited the Commission from considering same within six months from date of the denial of the original application.

HELD: Reversed.

1. Section 3 of Chapter 14764 cannot bar from consideration an application for a purely interstate operation merely because of the denial of one for intrastate rights.

2. Commission orders under Chapter 14764 are not res adjudicata, but Commission has inherent power to grant rehearings and modify previous orders.

3. Commission may be required to comply with Section 3 of Chapter 14764 by appropriate processes directed by Circuit Court (Prohibition used here) when invoked by proper party.

Leonard vs. Sweat, 114 Fla. 60; 152 So. 857.

Habeas corpus to test right of common carrier by motor truck to transport a gross load in excess of the 18,000 lbs. limit prescribed by Chapter 16085, Acts of 1933, (the Motor Vehicle Licensing Law).

HELD: (On authority of Dickinson vs. Cahoon, 107 Fla. 155; 144 So. 345.)

1. Railroad Commission may issue authority under Chapter 14764, to transport a gross weight of 24,000 lbs., Chapter 16085 in no way repealing Chapter 14764, and Chapter 16085 being merely an amendment to Chapter 15625, Acts of 1931, which was held in Dickinson vs. Cahoon, supra, to be inapplicable so far as weights are concerned to vehicles under the jurisdiction of the Railroad Commission.

(Mr. Justice Davis concurs on ground that the Attorney General, the railroad Commission and the Motor Vehicle Commissioner have all concurred in a construction of the uncertain weight provisions of Chapter 16085 in favor of petitioner's contentions, so that criminal liability under such act must be resolved in favor of accused).

Coleman vs. Achim, 114 Fla. 89; 153 So. 96. (Share Expense Case.)

Habeas corpus to test the right to operate without authority from the Railroad Commission of the owner of a private vehicle who on only one occasion transported for compensation four people from Miami to Hemp, North Carolina.

HELD: Whether defendant violated law depends on facts:

1. If auto trip was joint adventure between auto owner and passengers to which it was agreed that payments by passengers should be contribution to expense of trip, transaction would not come within purview of Chapter 14764.

2. If auto owner holds himself and his auto out to individuals or to public from which these individuals were gathered as being ready, willing and able to transport the persons for a fixed fee as his compensation, he would be a private contract carrier within the statute requiring a certificate of public convenience and necessity.

In re Grubb, 116 Fla. 387, 156 So. 482.

Original mandamus proceeding to compel the Railroad Commission to issue "for hire" permit, under the terms of Chapter 14764, Laws of 1931, bringing for review before the Court only the Commission's order of denial.

HELD: Writ denied:

1. The Railroad Commission must hold a hearing and investigate and make findings to determine the nature and scope of a proposed "for Hire" operation before issuing a permit where the application suggests some special inquiry.

2. Petition for alternative writ of mandamus to require the Railroad Commission to issue a "for hire" permit to a carrier denied such a permit should disclose the entire record of proceedings, unless the order denying the permit is shown to be illegal or unauthorized on its face.

3. Certiorari, not mandamus, is the proper remedy for a carrier denied a "for hire" permit by the Railroad Commission after an adversary hearing at which third parties appeared and protested. (The Court does not say that mandamus may not be used in any case of this nature).

Rogers vs. Cunningham, 117 Fla. 760; 158 So. 430.

Rogers was charged with operating on the public highways of Pinellas County "one truck and trailer combined (semi-trailer) which weight did exceed the state law." The evidence taken before the committing magistrate showed that the vehicle driven by Rogers was a four-wheel truck which had no provision for carrying a load independently, and to which was coupled in the manner of a semi-trailer, a four-wheel trailer whose wheels were placed so that the front end of the unit would drop to the surface of the road if the unit were detached from the truck. This is an original proceeding in habeas corpus and the Supreme Court stated: "All parties seem to desire an opinion from this Court as to whether a truck and trailer such as Rogers drove is within the provisions of the law limiting the weight to be carried by a semi-trailer."

HELD: Petitioner discharged from custody:

1. The combination vehicle is not a truck and semi-trailer as contended by the state, but is "a four-wheel vehicle attached to or to be drawn by a truck" which "counsel for state in the

brief seemingly admit if properly equipped
..... is entitled to a gross load of 34,000 pounds."

2. Statute regulating weight of load of trucks and trailers being criminal statute should be strictly construed and for accused to be held for trial the charge must plainly and unmistakeably show him to come within its prohibitions.

NOTE: No where in this opinion did the Supreme Court hold that a private carrier was entitled to transport upon a vehicle of the character described in the opinion, a gross load of 34,000 pounds.

Central Truck Lines vs. Railroad Commission, 118 Fla. 526; 160 So. 22.

The Railroad Commission granted the Seaboard Air Line Railway Company a certificate of public convenience and necessity to operate a common carrier truck service between Tampa and Brooksville and between Waldo and Morriston, but only as a purely substituted service in order to affect a saving in transportation costs, and conditioned upon the resumption of rail service as soon as business warrants it. Central Truck Lines, who also serve this territory bring certiorari contending the Commission could not grant such authority without such proof of public convenience and necessity as would be required of an independent motor carrier.

HELD: Certiorari denied:

1. Section 27 of Chapter 14764, and Section 6703 C. G. L. contain authority for Railroad Commission in its co-ordinated supervision and regulation of both rail and motor carrier to grant a limited certificate of public convenience and necessity confined to a mere commutation of rail into motor carrier service where there is no grant of general or permanent authority to perform motor vehicle service on the highways, and without such showing of public convenience and necessity as would be necessary for a new service.

2. Statutes regulating rail and motor carriers are in contemplation of law *pari materia*, and have for their object appropriate regulation of both in their relation to each other and to the transportation needs of commerce in the state.

3. "Public convenience and necessity" has not been defined by the lawmakers, and each case must be decided on its own facts weighed in the light of the declared legislative purpose.

4. Railroad Commission orders granting or refusing permits of public convenience and necessity, although arrived at in a quasi-judicial form of procedure, are legislative in character and must be sustained, unless clearly invalid because of: (a) misapprehension of law or facts, (b) ultra vires, (c) infringement of complaining party's legal rights, (d) contrary to some essential requirement of the law.

Central Truck Lines vs. Railroad Commission, 118 Fla. 555; 160 So. 26.

The St. Johns River Line Company, operating both river boat and truck service, purchased the McLeod Lines which operated trucks between Orlando and Tampa. The Commission in approving the transfer of the certificate rights of McLeod Lines authorized an additional through schedule for St. Johns River Line between Tampa and Sanford. All other carriers objected on the ground that this created an entirely new operation and permitted depressed water-truck freight rates into the Tampa trade territory, all without the required showing of public convenience and necessity and the consideration of existing facilities.

HELD: Order of Commission quashed on Certiorari:

1. Railroad Commission orders regulating the use of the highways by motor transportation companies must, like a statute, be tested by their practical operation and effect rather than by their form.

2. Motor vehicle rights under certificates separately granted cannot be lawfully combined for the establishment of a through service without first obtaining from the Railroad Commission a certificate of convenience and necessity. Chapter 14764, Acts of 1931, contemplates no prejudicial alteration in established relationships unless justified by public convenience and necessity.

3. The purpose of a certificate of public convenience and necessity is primarily for public convenience and welfare and not for the advantage and benefit of carriers.

4. Inadequacy of existing service is not necessarily essential to a finding that public convenience and necessity will be served by the linking of existing local services to create a through service. Here the fault was the inclusion in the certificate of a special provision permitting the enjoyment by the St. Johns River Line of rate advantages at the expense of other carriers serving the same territory.

5. The Railroad Commission under the authority given in the Act to include such terms, conditions, and provisions in certificates as it may deem proper in the public interest may not grant special rates, prejudicial to other carriers.

6. Under the terms of the Act auto transportation company includes a carrier operating partly by water and partly by motor vehicle.

Tamiami Trail Tours vs. Railroad Commission of Florida, 120 Fla. 371; 163 So. 1.

Coast to Coast System, Inc., the holder of a certificate to transport freight by motor vehicle from Jacksonville to Tampa via Daytona Beach and Kissimmee and from Jacksonville to Miami via Daytona Beach and Melbourne, was granted by the Railroad Commission the right to operate between Kissimmee and Melbourne on a schedule that would expedite by one day its service from Tampa to Miami. No showing of public convenience and necessity was attempted and Tamiami Trail Tours, Inc., who holds the certificate rights between Tampa and Miami via Fort Myers and the Tamiami Trail seek to set aside the order of the Commission on certiorari.

HELD: Order of Commission quashed:

1. Railroad Commission orders must be tested by their practical operation and affect rather than by their form.

2. The order granted is not an administrative schedule change which would be authorized under Section 8 of Chapter 14764, but in effect created a new and different common carrier service between Tampa and Miami for which no showing of public convenience and necessity was made, and none of the essential requirements of the law were followed relative to the granting of a new certificate as set forth in Section 3 of Chapter 14764.

3. "Every Certificate of Public Convenience and Necessity that the Railroad Commission is authorized to grant under the law is, in most cases in its last analysis, a statutory license to enjoy a protected public monopoly out of whatever motor transportation business is to be derived by the certificate holder out of its servicing the authorized route and terminal points designated in such a certificate when issued."

4. Convenience and necessity in Chapter 14764 refers to that of the public as distinguished from that of the private convenience of a carrier.

L. & L. Freight Lines, Inc., vs. Douglass, 14 F. Supp. 399.

Suit to enjoin the Florida Railroad Commission from interfering with the common carrier interstate motor truck operations begun by L. & L. Freight Lines on October 13, 1935, over U. S. Highway No. 19 from the Georgia-Florida state line through Tallahassee to Ocala, Dunnellon and Tampa, and over U. S. Highway No. 90 between Tallahassee and Live Oak. Plaintiff contends that under Subsection (b) of Section 206 of the Federal Motor Carrier Act, 1935, it may inaugurate such purely interstate operation up to the effective date of the Motor Carrier Act and continue such operation for one hundred twenty days without authority from the Interstate Commerce Commission, the I. C. C. by proper order having postponed the effective date of Section 206 until October 15, 1935.

HELD: Prayer for temporary restraining order denied:

1. A careful inspection of the postponement order of the I. C. C. makes it clear that the taking effect of the provisions of Section 206 was postponed solely for administrative reasons, was for the benefit only of those who could not qualify under the "grandfather" clause as of June 1, 1935, but were in operation on October 1, 1935, and was not intended to enlarge any rights to engage in interstate commerce.

Douglass vs. Pan American Bus Lines, 81 F. (2d) 222.

The appellee, a bus company desiring to institute a new type of passenger service between New York and Miami and having secured authority from all other states, applied to Florida Railroad Commission for the proper permit and was refused on the ground that, it being an exclusive interstate operation, the passage by Congress of the Motor Carrier Act had deprived the Commission of all jurisdiction over the granting of a certificate to an interstate carrier. The bus company secured an interlocutory injunction from the District judge for Northern District of Florida restraining the Commission from interfering with plaintiff's operation. From this order the defendants appeal.

HELD: Injunction sustained:

1. From such order court reviews only whether there has been abuse of discretion. Under these circumstances this order was an "exercise of discretion" to protect apparent rights of plaintiff.

2. The bill does not attack either a law of Florida or an order of the Commission, so this is no case for a three-judge court.

3. On the showing made before the Commission, the appellee was entitled to a certificate as a matter of right, it being an exclusive interstate carrier.

McJunkin vs. Railroad Commission, 122 Fla. 402; 165 So. 368.

The Commission authorized the Seaboard Air Line Railway to operate common carrier bus service between Fernandina and Yulee in lieu of its previous rail service, a purely substitute service from depot to depot until such time as business would permit the resumption of the rail service. McJunkin, who had previously performed this service under contract with the railroad, brings certiorari to quash the order of the Commission on the ground that this is a new service granted without considering public convenience and necessity or the effect on his existing public.

HELD: Certiorari denied:

1. The judgment of the Railroad Commission is proper on authority of *Central Truck Lines vs. Railroad Commission*, 160 So. 22.

Lowe vs. Stoutamire, 123 Fla. 135; 166 So. 310.

Driver for L. & L. Freight Lines, Inc., was arrested for operating a motor vehicle for hire without authority from Railroad Commission in exclusive interstate commerce and he brings habeas corpus.

HELD: Petitioner lawfully held:

1. Enactment of Motor Carrier Act, 1935, did not suspend or supersede state laws applicable to interests motor carriers but left same to be applied without hindering or burdening regulations of Congress applicable to same subject matter.

2. Motor Carrier Act did not impair Chapter 14764 in so far as it required interstate carriers to register their operation and observe the provisions of the Act capable of being enforced against interstate carriers.

3. Alcazin vs. Wells, 47 F. (2d) 904, principles still in effect in so far as state regulations do not now conflict with Motor Carrier Act.

4. State's proprietary interest in its roads and right to condition their use for their preservation and for public safety and convenience is to be distinguished from right to prescribe equipment for interstate railroads.

Union Bus Company vs. Douglass, 123 Fla. 292; 166 So. 582.

Railroad Commission granted A. J. Redd a certificate of public convenience and necessity to carry passengers between Perry, Branford, Raiford, Macclenny and Jacksonville, but with closed doors between Macclenny and Jacksonville. Union Bus Company brings certiorari to quash the order of the Commission on ground that it was already adequately serving the needs of the public between Macclenny and Jacksonville and is willing and ready to provide any additional service necessary.

HELD: Certiorari denied:

1. Commission may grant new certificate in which a portion of the route is covered by an existing certificate, where the new service is so restricted as to preclude the rendering of competitive service, and where the public convenience and necessity require the duplication of routes to meet the needs of those accommodated by the new service.

2. Commission may issue certificates with modifications, and upon such terms and conditions as in its judgment public convenience and necessity may require.

State ex rel. R. C. Motor Lines vs. Florida Railroad Commission, 123 Fla. 345; 166 So. 840.

Original mandamus proceeding to require the Railroad Commission to grant a certificate of registration to an exclusive interstate private contract carrier by motor vehicle over a certain state highway.

HELD: Peremptory writ granted:

1. The commerce clause of the U. S. constitution *ex proprio vigore* amounts to a national certificate of public convenience

and necessity to carry on interstate commerce and only Congress can limit this right.

2. The certificate of public convenience and necessity as required by the Florida Motor Transportation Act and applied to an exclusive interstate carrier is in effect only a registration of such a carrier's operation, is grantable as a matter of course after opportunity to determine its bona fides, and is only to enable the state to:

- (a) Identify the operation
- (b) Collect the mileage taxes due for the use of the highways
- (c) Enforce police regulations which promote public safety and conservation of the highways.

3. The enactment of the Motor Carrier Act, 1935, by Congress did not suspend or supersede the rights of the state as set forth in paragraph 2 above.

4. The power of the Railroad Commission to determine the route to be used by interstate motor carrier is an exercise of the police power to be exerted after authority is granted as a matter of course to use the state highways in commerce, and cannot be exercised so as to unduly burden or control the right to operate.

Lawrence vs. Goddard, 124 Fla. 250; 168 So. 13.

Goddard, manager of a U-Drive-It Company, was arrested for renting an automobile to a party who operated it over a public highway of the state, Goddard not having first obtained a permit from the Railroad Commission and complying with Chapter 14764, Acts of 1931.

HELD: Accused discharged on habeas corpus:

1. U-Drive-It concerns neither *operate* their own automobiles nor undertake to transport persons or property as part of their business, hence are not "*carriers*" who "*operate*" motor vehicles within the terms of Section 1 (e) of Chapter 15764.

2. The provisions of Chapter 14764 are unadapted for application to a U-Drive-It operation:

- a. Form of bond prescribed by Section 6 is inapplicable.

- b. The speed rule in Section 12 cannot be enforced against one who relinquishes control of his vehicle.
 - c. The driver regulations of Section 19 similarly could not be enforced.
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University City Transfer Company vs. Florida Railroad Commission, 124 Fla. 308; 168 So. 413.

The Commission after notice and hearing, authorized the transfer of a certificate of public convenience and necessity from Brown's Motor Freight Lines, Inc., to Hi-Way Transports, Inc. This is certiorari to review this order brought by two carriers also serving the same territory. The contentions were that the evidence showed it to be the duty of the Commission to revoke the certificate for failure to operate, that therefore there was nothing to transfer, that Hi-Way Transports, Inc., had not shown public convenience and necessity; that the Commission failed to consider: (a) rights and privileges of existing carriers serving the territory; (b) effect on existing facilities in the territory; (c) the interest of the shipping and consignee public.

HELD: Certiorari denied:

1. Where Commission's conclusions are sustained by substantial evidence, they are not reviewable by certiorari.
 2. Before certificate can be considered as revoked, there must be formal charge, citation, hearing, and "weighing the probative force of evidence on the merits of the question."
 3. The certificate not having been revoked, the transferee was under no duty to show existence of public convenience and necessity.
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State ex rel. L. & L. Freight Lines, Inc., vs. Douglass, 124 Fla. 579; 169 So. 389.

The relator, on October 8, 1935, applied to the Railroad Commission for a certificate of public convenience and necessity to operate a common carrier truck service from Atlanta, Georgia to Tampa, Florida, through Tallahassee, Perry, Ocala and Dunnellon, and also over state highway No. 1, between Marianna and Live Oak through Tallahassee. The Commission declined to take jurisdiction of the application on the ground that its juris-

diction had been superseded by the passage of the Federal Motor Carrier Act, 1935. This was an original mandamus proceeding to require the Commission to grant the certificate.

HELD: Alternative writ of mandamus quashed and proceeding dismissed:

1. Control by Interstate Commerce Commission over issuance or denial of certificates of public convenience and necessity for operation of motor vehicles in interstate commerce began with date of President's approval of Federal Motor Carrier Act on August 9, 1935, and not from date such Act might become operative.

2. Florida Railroad Commission held without authority to entertain application for issuance of certificate of public convenience and necessity for exclusively interstate motor carrier operation after approval of federal act governing such certificates, until propriety of issuance had first been submitted to and passed upon by Interstate Commerce Commission.

3. Where Interstate Commerce Commission awards certificate of public convenience and necessity for exclusively interstate motor carrier operation, Florida Railroad Commission is required to grant carrier state certificate upon proper application to enable commission to enforce state police regulations.

L. & L. Freight Lines, Inc., vs. Douglass, 124 Fla. 696; 169 So. 370.

Appeal from an interlocutory order of the Circuit Court of Leon County denying an application for a restraining order against the Florida Railroad Commission to prevent the enforcement of the Florida Motor Transportation Act against the L. & L. Freight Lines who were engaged in exclusive interstate commerce over certain state highways but who had not secured any authority from the Interstate Commerce Commission under the Federal Motor Carrier Act of 1935 to conduct such business.

HELD: Constitutional writ of injunction dissolved:

1. The federal right claimed by appellant, while appropriately alleged has not been made clearly to appear by proof submitted to overcome the allegations of the answer denying the lawful inauguration of the operation, and must be established by competent proof before being entitled to injunctive relief in the state courts as against the asserted rights of state officers to

continue their enforcement of a state statute otherwise applicable.

2. Since the passage of the Federal Motor Carrier Act, 1935, Interstate motor carriers are entitled to injunctive protection of their operations upon it being shown by appropriate allegations and proof that they are entitled to enjoy the temporary privileges and benefits conferred *ex proprio vigore* by that Act, pending a factual decision by the I. C. C. on their interstate rights.

3. The purpose of Congress by the Federal Motor Carrier Act was to vest in the I. C. C. the ultimate authority to determine which motor carriers are entitled to operate under the terms of that Act, no such authority remaining in the state regulatory bodies.

L. & L. Freight Lines, Inc., vs. Douglass, 124 Fla. 819; 169 So. 501.

Original mandamus proceeding to require the Florida Railroad Commission to grant a certificate of public convenience and necessity for an exclusive interstate motor vehicle operation to a carrier who had not received any authority from the Interstate Commerce Commission under the Federal Motor Carrier Act, 1935.

HELD: Alternative writ of mandamus denied:

1. State Railroad Commission need not grant certificate of public convenience and necessity to motor carrier for interstate operation, until Interstate Commerce Commission finally decides carrier's permanent status, notwithstanding carrier may continue already begun interstate operation until pending application to Interstate Commerce Commission for permanent certificate has been decided since such federal right is only temporary.

L. & L. Freight Lines, Inc., vs. Railroad Commission of Florida, 17 F. Supp. 13.

Suit by an interstate common carrier truck line to enjoin Florida Railroad Commission and the Florida State Road Department from enforcing against plaintiff the weight regulations of motor trucks and trailers prescribed by the Railroad Commission under the terms of Chapter 14764, Laws of Florida, 1931. Plaintiff contends that by the Motor Carrier Act, 1935, Congress

assumed the regulation of interstate motor carriers for hire, pre-empting the field to the exclusion of state regulation.

HELD: Injunction denied:

1. Federal Motor Carrier Act does not regulate interstate motor vehicle carriers as to weight so as to displace Florida state regulations, this being plainly shown by the failure to enumerate weights in Section 204 of the Act which states the extent of the authority given the Interstate Commerce Commission over motor vehicle carriers, and by Section 225 of the Act which authorizes the I. C. C. to investigate and report on the need for federal regulation of the weight of motor vehicles.

2. Courts will not hold that regulatory police powers of the states to prescribe size and weights of vehicles using state highways in interstate commerce are superseded except on clear evidence of intent of Congress to occupy and pre-empt that field of regulation.

State of Florida ex rel. Morris Coats vs. Whitaker, — Fla. —; 171 So. 521.

Original habeas corpus proceeding by operator of a motor vehicle to secure release from arrest for transporting commercial fertilizer from factory to farmer-consumer without authority from Railroad Commission. It was agreed that this was a "casual and irregular" trip by one regularly engaged in hauling exempted products (agricultural products) and that trucks were operating under private license from the Motor Vehicle Department.

HELD: Petitioner remanded to custody:

1. Transporting of commercial fertilizer to the farmer is not exempt from provisions of Motor Transportation Act.

2. Vehicle used in hauling for compensation in order to be exempt under Section 30 of Chapter 14764 must be devoted "exclusively" to such operation.

3. "Casual and irregular" trips, under Section 30, are not exempt unless the person making them is not engaged in the BUSINESS of for hire carriage as the petitioner was here, even tho he is permitted to operate under private license by the motor vehicle license law.

INFORMAL APPLICATIONS AND COMPLAINTS—1936

TC-1. Extra listings. Clarence W. Nelson, Miami vs. Southern Bell Telephone & Telegraph Company. Pending.

REC-2. Delivery of perishables. J. M. Fisher, Tampa, vs. Railway Express Agency, Inc. Settled.

TC-3. Telephone service. Will O. Murrell, Jacksonville, vs. Southern Bell Telephone & Telegraph Co. Settled.

REC-4. Loading facilities, Walton. E. R. Ensey vs. Railway Express Agency, Inc. Adjusted.

REA-5. Removal of City office to Atlantic Coast Line depot at Palatka, Fla. Railway Express Agency, Inc. Approved.

RC-6. Station facilities, Hicoria, Fla. M. A. Millar, Venus, Florida, vs. Atlantic Coast Line Railroad Co. Adjusted.

RA-7. Closing agency at Sumatra, Fla. Apalachicola Northern Railroad Co. Approved upon agreement to employ caretaker.

TC-8. Telephone service. Mrs. Robert Rogers, Miami, vs. Southern Bell Telephone & Telegraph Co. Adjusted.

RA-9. Discontinuing Randolph as Flag stop for Trains 807 and 808. Seaboard Air Line Railway. Approved.

TC-10. Telephone service. Dr. Geo. O. Davis, Madison, Florida, vs. Southeastern Telephone Company. Adjusted.

RA-11. Dismantling depot facilities at New River, Florida. Georgia, Southern and Florida Railway Co. Approved.

RA-12. Dismantling station platform at Peghorn, Florida. Atlantic Coast Line Railroad. Approved.

RA-13. Abandoning and dismantling station platform at Carolina, Florida. Atlantic Coast Line Railroad Co. Approved.

RA-14. Closing agency at Martin, Florida. Atlantic Coast Line Railroad Company. Approved with understanding agency would be reopened during vegetable season.

REA-15. Closing express agency at Martin, Fla. Railway Express Agency, Inc. Approved upon agreement to keep agency open during vegetable season.

TC-16. Telephone service, Tarrytown, Fla. F. R. Akins & Citizens vs. Florida Telephone Corporation. Dropped.

TC-17. Telephone service, Cottdale. Commission vs. Cottdale Telephone Co. Settled.

RA-18. Discontinuing agency at Maitland, Fla. Atlantic Coast Line Railroad Co. Approved provided caretaker appointed.

RC-19. Freight shipments, Gulfport, Fla. Citizens vs. Seaboard Air Line Railway and Railway Express Agency, Inc. Settled.

RA-20. Dismantling depot at Grandin, Fla. Georgia, Southern and Florida Railway. Approved.

RC-21. Drainage facilities, Bear Gap, Florida. Archie Pitts vs. Tavares and Gulf Railroad. Adjusted.

TC-22. Deposit requirement, Hotel Evans, Mr. I. Evans vs. Southern Bell Telephone & Telegraph Co. Adjusted.

RA-23. Abandoning station building at Hilolo, Fla. Florida East Coast Railway. Approved.

TC-24. Extension of service to grove. Mr. Harwell Wilson, Winter Haven, Florida, vs. Peninsular Telephone Co. Adjusted.

TA-25. Discontinuing toll station at Columbia. Southern Bell Telephone & Telegraph Co. Approved.

RA-26. Changing schedules trains between Tampa and Vitis. (Trains 42 & 43). Atlantic Coast Line Railroad Co. Approved.

TC-27. Poor service at Sunny Isles. Mr. Robert Gallagher vs. Southern Bell Telephone & Telegraph Co. Adjusted.

TC-28. Request for installation coin box. R. W. Jones vs. Southern Bell Telephone & Telegraph Co. Dropped.

REC-29. Express facilities at Pierson, Fla. Albin Hagstrom and Son vs. Railway Express Agency. Dropped.

RC-30. Side-track facilities at Pahokee, Fla. C. S. Moore vs. Florida East Coast Railway. Dropped.

TC-31. Installation pay station. John A. Dunscombe, Stuart, Fla., vs. Southern Bell Telephone & Telegraph Co. Adjusted.

RA-32. Discontinuing station at Kells Spur, Fla. Atlantic Coast Line Railroad Co. Authorized.

TA-33. Additional telegraph service at Bushnell, Fla. Citizens vs. Western Union. Adjusted.

TC-34. W. U. Time service at Hotel Breakers. Hon. Scott M. Loftin vs. Western Union Tel. Co. Adjusted.

RA-35. Dismantling depot at Sampson City. Georgia, Southern and Florida Railway Co. Transferred to formal docket.

TC-36. Rural line service. Madison-Lee, Florida. J. C. Black, Lee, vs. Southeastern Telephone Co. Settled.

TC-37. Telephone service. Mrs. Oscar Silcox, Jacksonville, vs. Southern Bell Telephone & Telegraph Co. Adjusted.

RA-38. Suspension of service from July 1, 1936-January 1, 1937. Kinzie Brothers Steamship Line. Approved.

TC-39. Telephone service, Branford, Fla. Citizens petitioning for. Pending.

TC-40. Slow movement of tomatoes. Max B. Cohen, Palmetto, vs. Seaboard Air Line Railway Co. Dropped.

RA-41. Dismantling freight depot at Durant, Fla. Seaboard Air Line Railway Co. Approved.

RA-42. Moving Class F station from Cassia to Walling. Atlantic Coast Line Railroad Co. Approved.

RA-43. Discontinuing caretaker 7 telegraph service at Pomona, Fla. Atlantic Coast Line R. R. Co. Approved.

REA-44. Closing Oakland agency. Railway Express Agency, Inc. Denied.

TA-45. Closing Lake Hamilton agency. Atlantic Coast Line Railroad Co. Denied.

TA-46. Reducing service connection charge for main stations to, \$1.00. Florida Telephone Corporation. Approved.

RA-47. Closing Oakland, Fla. agency. Atlantic Coast Line Railroad Co. Approved provided caretaker appointed.

RA-48. Discontinuing Dyal as LCL shipping point. Atlantic Coast Line Railroad Co. Approved.

TC-49. Poor telephone service. T. E. Snow, River Junction, Florida, vs. St. Joseph Telephone & Telegraph Co. Adjusted.

RC-50. Poor drainage at Bonita Springs, Fla. Hanton News Press vs. Atlantic Coast Line Railroad Co. Adjusted.

RC-52. Refusal to switch cars. Producers Supply Co. vs. Seaboard Air Line Railway. Settled.

REA-53. Closing express agency at Alturas, Fla. Railway Express Agency, Inc. Denied.

TC-54. Poor telephone service. Niceville Fish Co. vs. Southeastern Tel. Co. Adjusted.

TC-55. Telephone service. Fannin Springs Road Guard Station. Hon. Nathan Mayo vs. Southern Bell Telephone and Telegraph Co. Dropped.

RC-56. Poor condition of trestle. J. C. Glass, Apalachicola, Fla., vs. Apalachicola Northern Railroad Co. Adjusted.

TC-57. Telegraph service, Jacksonville Beach Citizens vs. Postal Telegraph & Western Union. Adjusted.

TC-58. Telephone service, Redland District. B. E. Archer, Pres., Chamber of Commerce, vs. Southern Bell Telephone and Telegraph Co. Dropped.

RC-59. Station facilities, Perry, Fla. C. B. Barber vs. Atlantic Coast Line Railroad Co. Adjusted.

TC-60. Telephone rental, Prince George Hotel, St. Petersburg. C. B. Williams, Manager, vs. Peninsular Telephone Co. Adjusted.

TC-61. Telephone service, Chuluota, Fla. Mrs. James Wilson vs. Southern Bell Telephone & Telegraph Co. Adjusted.

TC-62. Telephone service, Opa-Locka, Fla. D. S. Rosenfelder vs. Southern Bell Telephone & Telegraph Co. Adjusted.

RA-63. Publishing switching rate of \$8.60 per car to siding of Noonan Construction Co. St. Louis-San Francisco Railroad Co. Granted.

RC-64. Depot facilities, Lisbon, Fla. Mrs. Jeannette Fulton vs. Atlantic Coast Line Railroad Co. Establishing of agency not justified.

RA-65. Removing present depot building at Eleanor, Fla. Louisville & Nashville Railroad. Authorized.

TC-66. Telephone service, Cardwell, Florida. P. M. Cate, Inc., Lake Shore Supply Co., Hull Packing Co. vs. Southern Bell Telephone & Telegraph Co. Adjusted.

TC-67. Request for telephone service at Sumterville. M. A. Callaway. Pending.

RA-68. Removing spur track at Bonds Mill. Atlantic Coast Line Railroad Co. Approved.

RA-69. Dismantling depot at South Lake Weir, Fla. Seaboard Air Line Railway. Granted.

RA-70. Abandoning freight and passenger service at Gilford, Fla. Georgia, Southern & Florida Railway Co. Approved.

RA-71. Dismantling depot structure at Putnam Hall. Georgia, Southern & Florida Railway Co. Approved.

TC-72. Poor service over telephone lines. Hon. W. H. Maypoles, Crestview, Fla., vs. Southeastern Telephone Co. Adjusted.

REA-73. Closing agency at Yulee, Fla. Railway Express Agency, Inc. Approved.

TC-74. Telephone service, St. Marks. Messrs. Walton and Shields vs. Southeastern Tel. Co. Pending.

RA-75. Closing Telogia, Florida, agency. Apalachicola, Northern Railroad Co. Approved.

RA-76. Dismantling depot at McIntyre. Seaboard Air Line Railway. Approved.

RC-77. Changing road crossing Bushnell. R. H. Hall, Bushnell, Fla., vs. Seaboard Air Line Railway. Adjusted.

RA-78. Removing certain buildings at Eleanor, Noma, Escambia. Louisville & Nashville R. R. Co. Approved.

RA-79. Closing Panama City warehouse at one o'clock Saturdays. Atlanta & St. Andrews Bay Railway Co. Approved.

RA-80. Abandoning building at Hallandale, Fla. Florida East Coast Railway Co. Authorized.

RA-81. Abandoning station building at Apoxsee, Fla. Florida East Coast Railway Co. Granted.

RA-82. Abandoning station building at Harwood, Fla. Florida East Coast Railway Co. Approved.

TC-83. Poor service. Citra Packing Co. vs. McIntosh Telephone Co. Dropped.

REA-84. Closing agency at Telogia, Fla. Railway Express Agency, Inc. Arrangements made with Post-Mistress to handle agency.

TC-85. Telegraph service, Polk City, Fla. Citizens vs. Western Union. Adjusted.

TC-86. Poor service. Mrs. Russell Harlan, Dunedin, vs. Peninsular Telephone Co. Adjusted.

RA-87. Changing facilities at Baxter, Suwannee Valley, Avoca, Genoa, Lulu. Georgia, Southern & Florida Railway Co. Authorized.

TC-88. Telephone service. W. W. Long, Maitland, Fla., vs. Winter Park Telephone Co. Adjusted.

ORDER NO. 1221,

DOCKET NO. 1276.

BEFORE THE RAILROAD COMMISSION OF THE STATE
OF FLORIDA

IN THE MATTER OF APPLICATION OF SOUTHERN BELL
TELEPHONE & TELEGRAPH COMPANY TO CLOSE THE
EXCHANGE AT LONGWOOD, FLA., AND SUPPLY TELE-
PHONE SERVICE TO ITS PATRONS ON A TOLL STATION
BASIS OUT OF ORLANDO EXCHANGE.

1. Investigation of this matter shows that since 1927 South-
ern Bell Telephone & Telegraph Company has been operating
an exchange at Longwood, Florida, a community situated about
half way between Orlando and Sanford. That this exchange
originally had sixty-eight stations but due to various circum-
stances the number of stations has constantly diminished until
at present there are only nine stations served at this exchange.

2. On account of the great expense in maintaining a dial sys-
tem at this exchange, the telephone company has applied to this
Commission for permission to discontinue this exchange and fur-
nish telephone service out of Orlando Exchange. This change
has been approved by all of the nine subscribers as indicated
by petition signed by each of such subscribers agreeing to the
discontinuance of the exchange at Longwood and an agreement
to accept toll station telephone service out of the Orlando Ex-
change in lieu thereof.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED
by the Railroad Commission of the State of Florida that the
Southern Bell Telephone & Telegraph Company be and it is
hereby authorized to discontinue its telephone exchange at Long-
wood, Florida, and furnish to its subscribers at Longwood, Flor-
ida, telephone service on a toll station basis out of the Orlando
Exchange.

It is further ORDERED that this Order shall be and become
effective on February 11, 1936.

DONE AND ORDERED by the Railroad Commission of the
State of Florida in session at its office in the City of Tallahassee,
Florida, this 6th day of February, 1936.

ORDER NO. 1222,

DOCKET NO. 1277.

BEFORE THE RAILROAD COMMISSION OF THE STATE
OF FLORIDA

IN RE: APPLICATION OF FLORIDA TELEPHONE CORPORATION FOR AUTHORITY TO CHANGE ITS PRESENT TELEPHONE SYSTEM IN ST. CLOUD, FLA., FROM A MAGNETO TO AN AUTOMATIC (MACHINE SWITCHING) TYPE OF SERVICE, AND TO INCREASE THE RATES FOR TELEPHONE SERVICE UPON COMPLETION OF THE NEW SYSTEM.

1. This matter came on for consideration before the Railroad Commission upon the application of the Florida Telephone Corporation to change its telephone system in St. Cloud, Florida from Magneto to Automatic type of service, and also upon a petition of more than seventy-five percent of the subscribers and patrons of such telephone exchange at St. Cloud, Florida, requesting such change, and agreeing to pay the necessary increase in rates for such service, and the Commission being fully advised in the premises, finds:

- (a) That it is desirable in the public interest to make the change suggested and give the telephone users at St. Cloud, Florida, a more modern telephone system than they now have.
- (b) That the installation of this system will require considerable investment, and that in order to enable the telephone company to make a fair return upon this investment it is necessary to increase the business rates 50c per month per station, and the residence rates 25c per month per station.
- (c) That more than seventy-five percent of the subscribers and patrons of the telephone company have requested this change in telephone service, and have agreed to pay such increase in rates as herein mentioned.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the application of Florida Telephone Corporation for authority to convert its present Magneto System into an Automatic Type of service at its exchange in St. Cloud, Florida, be and the same is hereby GRANTED, and the telephone company is hereby authorized to charge the following schedule of rates for telephone

service at such exchange when the new system shall have been installed and inspected by this Commission:

WITHIN EXCHANGE AREA

WALL TELEPHONES

Business	Per Month
Single Line	\$4.00
2-Party Line	3.50
Residence	
Single Line	\$2.75
2-Party Line	2.50
4-Party Line	2.25

OUTSIDE EXCHANGE AREA

	Less than 8 Miles	Over 8 Miles
Business Stations	\$4.00	\$4.50
Residence Stations	2.75	3.25

It is further ORDERED that this cause remain open on the docket and jurisdiction be retained for the purpose of making such further order or orders as to the Commission may seem proper.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 7th day of January, 1936.

ORDER NO. 1230,

DOCKET NO. RA-35.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: APPLICATION OF GEORGIA SOUTHERN & FLORIDA RAILWAY COMPANY TO DISMANTLE THE EXISTING DEPOT BUILDING AT SAMPSON CITY, FLORIDA, AND SUBSTITUTE IN ITS STEAD A RENOVATED STORE HOUSE NOW ON THE PREMISES.

1. This matter came on for consideration before the Commission upon the application of Georgia Southern & Florida Railway Company to dismantle the station facilities at Sampson City, Florida, and to repair and improve an existing store house

on the premises and use the same as a station building; and it appearing that the present station building at Sampson City is badly in need of repairs; and it further appearing that the total freight and passenger revenue accruing to the Georgia Southern & Florida Railway Company as its proportion for the period May, 1935 to April, 1936 was \$101.89, and that the cost of making the necessary repairs to the station building is greatly in excess of that justified by said amount of freight and passenger business to and from said point; and it further appearing that the railroad company proposes to repair and improve the store house it now has on the premises so that the same will contain a passenger waiting room and store space for less than carload shipments; and it further appearing that the granting of this application will conserve revenues of the railroad; and it further appearing that it will not impose any unjust or unreasonable burden to the public, the Commission is of opinion that the application should be granted.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the application of Georgia Southern & Florida Railway Company to dismantle its depot building at Sampson City, Florida, and to repair and improve an existing structure on the premises so that the same will contain a waiting room and store space for less than carload shipments, and substitute the same for the dismantled station facilities, be and the same is hereby GRANTED.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 11th day of August, 1936.

ORDER NO. 1230,

DOCKET NO. RA-35.

BEFORE THE RAILROAD COMMISSION OF THE STATE
OF FLORIDA

IN RE: APPLICATION OF GEORGIA SOUTHERN & FLORIDA RAILWAY COMPANY TO DISMANTLE THE EXISTING DEPOT BUILDING AT SAMPSON CITY, FLORIDA, AND SUBSTITUTE IN ITS STEAD A RENOVATED STORE HOUSE NOW ON THE PREMISES.

1. This matter came on for consideration before the Commission upon the application of Georgia Southern & Florida Railway Company to dismantle the station facilities at Sampson

City, Florida, and to repair and improve an existing store house on the premises and use the same as a station building; and it appearing that the present station building at Sampson City is badly in need of repairs; and it further appearing that the total freight and passenger revenue accruing to the Georgia Southern & Florida Railway Company as its proportion for the period May, 1935 to April, 1936 was \$101.89, and that the cost of making the necessary repairs to the station building is greatly in excess of that justified by said amount of freight and passenger business to and from said point; and it further appearing that the railroad company proposes to repair and improve the store house it now has on the premises so that the same will contain a passenger waiting room and store space for less than carload shipments; and it further appearing that the granting of this application will conserve revenues of the railroad; and it further appearing that it will not impose any unjust or unreasonable burden to the public, the Commission is of opinion that the application should be granted.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the application of Georgia Southern & Florida Railway Company to dismantle its depot building at Sampson City, Florida, and to repair and improve an existing structure on the premises so that the same will contain a waiting room and store space for less than carload shipments, and substitute the same for the dismantled station facilities, be and the same is hereby GRANTED.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 11th day of August, 1936.

ORDER NO. 1223,

DOCKET NO. 1269.

BEFORE THE RAILROAD COMMISSION OF THE STATE
OF FLORIDA

IN THE MATTER OF THE APPLICATION OF FLORIDA RAIL
CARRIERS FOR AUTHORITY TO CANCEL ALL EXISTING
CARLOAD COMMODITY RATES AND LETTERED CLASS
RATES ON ROADWAY COLD PATCH MATERIALS BE-
TWEEN POINTS IN FLORIDA.

Pursuant to Notice No. 714, issued August 30th, 1935, the above matter came on for hearing before the Railroad Commis-

sion of the State of Florida in the Hearing Room of said Commissioners at Tallahassee, Florida, at 10 o'clock, A. M., on Sept. 10th, 1935, and then and there appeared the following:

Mr. E. L. Watkins, A. C. L. R. R.; Mr. T. T. Massengill, S. A. L. Railway, and Mr. F. E. Harrison, Jr., representing the State Road Department and certain shippers of Cold Patch Material.

All parties desiring to be heard were fully heard. After hearing all evidence offered, under oath, the Commission took the said matter under advisement for final consideration.

And now on this day the Railroad Commission of the State of Florida having fully considered all of the evidence adduced at said hearing and being fully advised in the premises, do FIND and ORDER as follows:

FINDING: It appears from the evidence, that the present rates in Florida on Roadway Cold Patch Materials are higher than the current rates on Crushed Stone by more than 25c per ton for all distances over 20 miles. In the opinion of the Commission this difference is of sufficient amount to offset the difference in the value of the two commodities and the fact that the Cold Patch Material has gone through a further process of manufacture.

It is the further opinion of the Commission that the interstate rates, which it is here sought to impose, are higher than the traffic will bear, and that their adoption will mean the closing down of the Cold Patch industry in Florida. This opinion is supported by the evidence.

It is therefore ORDERED that J. E. Tilford's Application No. 101 and Amendment No. 1 thereto, seeking a revision of the intrastate rates on Roadway Cold Patch Material, in carloads, be, and it is hereby DENIED.

DONE and ORDERED by the Railroad Commission of the State of Florida, in session at their office in the City of Tallahassee, Florida, this 25th day of February, 1936.

ORDER NO. 1224.

DOCKET NO. 1256.

BEFORE THE RAILROAD COMMISSION OF THE STATE
OF FLORIDA

IN THE MATTER OF THE APPLICATION OF J. E. TILFORD,
AGENT, FOR AUTHORITY TO CANCEL ALL EXISTING
CARLOAD COMMODITY RATES AND CLASSIFICATION EX-
CEPTIONS ON ASPHALT, (ASPHALTUM) BETWEEN
POINTS IN THE STATE OF FLORIDA.

Pursuant to Notice No. 708, dated July 19, 1935, the above matter came on for hearing before the Railroad Commission of the State of Florida, at Tallahassee, Florida on Wednesday, August 7, 1935, at 10 o'clock, A. M., and then and there appeared the following:

E. L. Watkins, A. C. L. R. R.; T. T. Massengill, S. A. L. Ry.; F. E. Harrison, Jr., State Road Department; W. L. Macatee, The Texas Company; H. H. Simms, A. & St. A. B. Ry.; Thos. D. Guthrie, Jacksonville Traffic Bureau; Edward Drake, Jr., St. Johns River Line Company, and J. B. Dempsey, Tallahassee, Florida.

All parties desiring to be heard were fully heard, under oath, and the Commission took the said matter under advisement for final consideration.

And now on this day the Railroad Commission of the State of Florida having fully considered all of the evidence given at said hearing, and being fully advised in the premises, do FIND and ORDER as follows:

It is found that the carriers have justified the proposed revision of rates on Asphalt (Asphaltum) between points in Florida, which revision will put the intrastate rates on a parity with the interstate rates on this commodity, and wipe out any discrimination that now exists.

Under the proposed revision Florida shippers will be able to reach Florida points on a lower transportation charge than can Brunswick, Georgia, their main competitor, although the spread will not be as great as it is under the present rates.

It is therefore ORDERED that J. E. Tilford's Florida Intra-state Application No. 85, requesting authority to cancel existing carload commodity rates and Classification Exceptions on Asphalt (Asphaltum), C. L., between points in Florida, and to apply in lieu thereof class rates, governed by Southern Clas-

sification, except that it is proposed to amend Item 85 of Note B Exceptions No. 14 to current Southern Classification to apply on Florida intrastate traffic, is APPROVED.

This Order shall take effect on April 25, 1936.

DONE and ORDERED by the Railroad Commission of the State of Florida in session at their office in the City of Tallahassee, Florida, this 25th day of February, 1936.

AMENDING ORDER NO. 1224

ORDER NO. 1229,

DOCKET NO. 1256.

IN THE MATTER OF CARLOAD MINIMUM WEIGHTS ON ASPHALT, (ASPHALTUM), BETWEEN POINTS IN THE STATE OF FLORIDA.

BEFORE THE RAILROAD COMMISSION OF THE STATE
OF FLORIDA

Pursuant to Notice No. 722, issued May 29, 1936, the above matter came on for hearing before the Railroad Commission of the State of Florida at Tallahassee, Fla., at 10 o'clock, A. M., on Tuesday, June 9, 1936, and then and there appeared the following:

Mr. W. S. Robinson, A. C. L. R. R.; Mr. F. E. Harrison, Jr., State Road Department and Asphalt shippers, Mr. Thos. D. Guthrie, representing the Jacksonville Traffic Bureau and Asphalt shippers.

By Order No. 1224, issued February 25th, 1936, this Commission authorized the approval of J. E. Tilford's Florida Intrastate Application No. 85, increasing the rates on Asphalt between points in Florida, and the application of Southern Classification minima of 50,000 lbs. when in drums or barrels, and the capacity of the tank car when loaded in tank cars.

It is found from the evidence that these minima are too high on Florida intrastate traffic. There are many movements of small cars of Asphalt consigned to grade crossing jobs. State Road Department patch work and municipal improvements.

It is found that if these Southern Classification minima are continued the Road Department and road contractors generally will provide themselves with tank trucks to handle these small

car shipments, and at their testimony that if this investment has to be made to handle the small carloads, they will handle the larger cars as we, thereby diverting this traffic entirely from the rail lines.

And now on this day the Railroad Commission of the State of Florida, having fully considered all of the evidence given at said hearing under oath, and being fully advised in the premises, **ORDERS** as follows:

It is **ORDERED** that on and after the effective date of this Order the carload minimum weight on Asphalt, in barrels or drums and in tank cars shall be 24,000 lbs.

This Order shall take effect on June 22nd, 1936.

DONE and **ORDERED** by the Railroad Commission of the State of Florida in session at their office in the City of Tallahassee, Florida, this 10th day of June, 1936.

ORDER NO. 1226

DOCKET NO. 1258

**BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA**

IN THE MATTER OF REVISING RATES ON STONE, MARBLE, LIMESTONE, SANDSTONE OR CAST STONE, BETWEEN POINTS IN THE STATE OF FLORIDA.

Pursuant to Notice No. 706, issued June 17, 1935, the above matter came on for hearing before the Railroad Commission of the State of Florida at 10 o'clock, A. M., on July 10, 1935, and then and there appeared the following:

Mr. L. A. Kienzle, G. F. A., A. C. L., R. R.; E. L. Watkins, A. C. L. R. R. and Mr. F. E. Harrison, Jr., Tallahassee, Fla., and Mr. Thos. D. Guthrie, Jacksonville Traffic Bureau.

All parties desiring to be heard were fully heard, under oath, and the Commission took the said matter under advisement for final consideration.

And now on this day the Railroad Commission of the State of Florida having fully considered all of the evidence adduced at said hearing, and being fully advised in the premises, do **FIND** and **ORDER** as follows:

Mr. Tilford's Application No. 81, dated Jan. 8, 1935, asks authority to cancel, except as specified in the application, all existing local, joint and proportional commodity rates and Classification Exceptions, on Stone, natural or cast, as more fully described in Exhibit 1, attached to and made a part of said application, including Monuments and Tombstones and Artificial Stone, carloads and less, between points in the State of Florida.

We FIND from the evidence that the rail carriers, acting through Mr. Tilford, have justified the proposed revision, with the following exceptions:

Exception: No change shall be made in the current carload rates and minimum weights on Natural, Cast or Artificial Building Stone or Blocks, and no change shall be made in the rates on Stone of any kind now embraced in the Roadway Material list.

It is therefore ORDERED that J. E. Tilford's Application No. 81, as referred to and explained above, be, and it is hereby APPROVED, with the foregoing exceptions.

This Order shall take effect on March 16th, 1936.

DONE and ORDERED by the Railroad Commission of the State of Florida in session at their office in the City of Tallahassee, Florida, this 25th day of February, 1936.

ORDER NO. 1227.

DOCKET NO. 1271.

IN THE MATTER OF THE APPLICATION OF THE SEABOARD AIR LINE RAILWAY AND THE ATLANTIC COAST LINE RAILROAD FOR AUTHORITY TO REVISE RATES ON PHOSPHATE ROCK FROM FLORIDA POINTS TO JACKSONVILLE, FLA.

Pursuant to Notices 715 and 717, the above matter came on for hearing before the Railroad Commission of the State of Florida at the Mayflower Hotel, in the City of Jacksonville, Fla., at 10 o'clock, A. M., on November 14th, 1935, and then and there appeared the following:

R. G. Doss, F. T. M., A. C. L. R. R.; R. T. Etheridge, S. A. L. Railway; L. A. Kiensle, A. C. L. R. R.; F. C. Hillyer and Thos. D. Guthrie, Jacksonville Traffic Bureau, Jacksonville,

Fla.; Mr. Fred F. Coffee, Armour Fertilizer Co.; Mr. Bayless W. Haynes, Wilson & Toomer Fertilizer Company, and Mr. R. B. Cayce, American Agricultural Chemical Company.

All parties desiring to be heard were fully heard, under oath, and the Commissioners took the said matter under advisement for final consideration.

And now on this day the Railroad Commission of the State of Florida having fully considered all of the evidence taken at said hearing, and being fully advised in the premises, do FIND and ORDER as follows:

The application of the Seaboard Air Line Railway and the Atlantic Coast Line Railroad sought authority to increase the present rate of \$1.96 per gross ton on Phosphate Rock, C. L., from the pebble district in Florida to Jacksonville to \$2.24 per gross ton, to meet water competition, the emergency charge of 5c. per ton to be added, also to make rate from Inverness to Jacksonville, Fla., \$2.24 per gross ton and to cancel present rate of \$1.96 per gross ton from Dunnellon and Felicia, allowing Florida scale rates, which are lower than \$2.24 per gross ton, to apply, all rates to bear an expiration date of one year from date of effectiveness, and to apply emergency charges thereto.

These rates were originally reduced to meet truck competition, also water competition.

It is FOUND, from the evidence that the water competition on which the proposal is based, at least from the Pebble District to Jacksonville is by unregulated water carriers, and such competitive rates are not subject to emergency charges.

It is FOUND further that carriers have not justified the proposal to increase these rates as outlined above, but that they have justified an increase of rate from the Pebble District to Jacksonville, Florida, from the present rate of \$1.96 to \$2.24 per gross ton without the application of the emergency charge.

It is also FOUND that carriers have justified the proposed rate of \$2.24 per gross ton from Inverness to Jacksonville, Florida, no emergency charge to be added, and they have justified the cancellation of the rate of \$1.96 per gross ton from Dunnellon and Felicia, Florida to Jacksonville, Florida, and the publication in lieu thereof of the Florida scale rates, without the application of the emergency charge.

The revision of these rates on the foregoing basis will meet the water competition found at Jacksonville. According to the evidence truck competition is at the present time only potential. It is not active or compelling.

The rates hereinafter ordered into effect will be considered reasonable maximum rates, which will not, of course prevent carriers from making necessary reductions to meet the competition of other forms of transportation should that action become necessary.

It is ORDERED that the Seaboard Air Line Railway and the Atlantic Coast Line Railroad be, and they are hereby authorized to increase the present rate of \$1.96 per gross ton, plus the emergency charge of 5c. per ton, on Phosphate Rock, C. L., from the Pebble District in Florida to Jacksonville, Fla., to \$2.24 per gross ton, no emergency charge to be added.

It is further ORDERED that the Seaboard Air Line Railway and the Atlantic Coast Line Railroad be and they are hereby authorized to increase the present rate of \$1.96 per gross ton, plus the emergency charge of 5c. per ton, on Phosphate Rock, carload, from Inverness, Florida to Jacksonville, Florida, to \$2.24 per gross ton, no emergency charge to be added.

It is further ORDERED that the Seaboard Air Line Railway and the Atlantic Coast Line Railroad be, and they are hereby authorized to cancel the present rate on Phosphate Rock, C. L. from Dunnellon and Felicia, Fla., to Jacksonville, Fla., and to publish in lieu thereof Florida scale rates.

This Order shall take effect on March, 16th, 1936.

DONE and ORDERED by the Railroad Commissioners of the State of Florida in session at their office in the City of Tallahassee, Florida, this 25th day of February, 1936.

SUPPLEMENTING ORIGINAL ORDER NO. 1227.

ORDER NO. 1227,

DOCKET NO. 1271.

IN THE MATTER OF THE APPLICATION OF THE SEABOARD AIR LINE RAILWAY AND THE ATLANTIC COAST LINE RAILROAD FOR AUTHORITY TO REVISE RATES ON PHOSPHATE ROCK FROM FLORIDA POINTS TO JACKSONVILLE, FLA.

**BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA.**

TAKE NOTICE that original Order No. 1227 in the above matter was made effective March 16th, 1936.

It now appears that this matter cannot be submitted to the Southern Freight Association in time to make the new rates effective on March 16, 1936.

It is therefore ORDERED that the effective date of Order No. 1227, issued Feb. 25, 1936, be, and it is hereby changed to read as follows:

"This Order shall take effect not earlier than March 16th, 1936."

DONE and ORDERED by the Railroad Commission of the State of Florida in session at their office in the City of Tallahassee, Florida, this 6th day of March, 1936.

ORDER NO. 1228,

DOCKET NO. 1274.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA.

RELATING TO THE SAFETY, CARE, COMFORT, CONVENIENCE, PROPER ACCOMMODATION AND TRANSPORTATION OF PASSENGERS BY RAILROAD IN SLEEPING, PARLOR, CHAIR, DINING OR BUFFET CARS WITHIN THE STATE OF FLORIDA.

1. On November 20, 1935, Order No. 1217 was made and entered to become effective at 12:01 A. M. on December 1, 1935; and by said Order it was provided that no sleeping car, parlor car, chair car, dining car or buffet car should be operated on any line of railroad unless such cars were continuously in charge of someone having the rank of pullman conductor. Complaint having been made that this order was entered without a hearing the Commission entered Order No. 1218 setting the matter down for hearing.

2. Pursuant to Order No. 1218 this matter came on for further consideration before the Railroad Commission on December 16, 1935 at the SEMINOLE HOTEL in Jacksonville, Florida. There were present at the hearing:

W. L. Stanley, Esq., representing all the railroads
and The Pullman Company;

Geo. A. K. Sutton, Esq., and F. B. Langley, Esq.,
representing Atlantic Coast Line Railroad Co.;

Chas. H. Murchison, Esq., represented the Governor of the State of Florida.

3. After due consideration and upon suggestion of representatives of the railroads and The Pullman Company, further hearing in this matter was continued until January 13, 1936 at Seminole Hotel, Jacksonville, Florida, and an informal conference of all parties interested was arranged for Tallahassee, Florida, at the Hearing Room of the Commission, Supreme Court Building, Tallahassee, Florida, on January 6, 1936, and the effective date of Order No. 1217 was postponed until further order of the Commission.

4. There met in informal conference with the Commission at its Hearing Room in Tallahassee, Florida, on January 6, 1936 representatives of the carriers, and others, as follows:

W. L. Stanley, Esq., Chief Public Relations Officer, Seaboard Air Line Railway;

John L. Doggett, Esq., Division Counsel and J. P. Walker, Esq., General Superintendent, representing Atlantic Coast Line Railroad Company;

Russel L. Frink, Esq., General Attorney, representing Florida East Coast Railway;

Henry P. Adair, Esq., and Cyril C. Copp, Esq., Assistant Division Counsel, Southern Railway Company, and

Chas. H. Murchison, representing the Governor of the State of Florida.

5. After full consideration and discussion of this matter The Pullman Company, and the various rail carriers, filed the following letters with the Commission:

"Jacksonville, Fla., January 7, 1936.

SUBJECT: The Pullman Company—Conductors in Charge.
Mr. W. B. Douglass, Chairman,
Florida State Railroad Commission.
Tallahassee, Florida.

Dear Mr. Douglass:

Referring to Order No. 1217, Docket 1274, the effective date of which order has been suspended pending public hearing on January 13th, 1936, about which Mr. J. K. Breaux, Superintendent of The Pullman Company, and I conferred informally with the Commission and Mr. T. T. Turnbull, your counsel, in Tallahassee, on January 2nd, 1936, in an effort to reach an under-

standing which would make such order unnecessary, and which understanding having been verbally agreed upon, this is to confirm that The Pullman Company agrees that no sleeping car, parlor car, or chair car owned by it will be operated on any line of railroad in the State of Florida when occupied by passengers holding proper transportation for the accommodation of such cars, unless such cars are in charge of a pullman conductor, it being understood that one or more cars in the same train may be in charge of one pullman conductor. It is understood that the above order covers setting out of such cars when occupied by passengers at such station as West Palm Beach, to be picked up by a train on return trip the following night. It is agreed that there will be a conductor in charge of car or cars so set out at West Palm Beach, while occupied by passengers.

The only other operation of this kind contemplated is at Orlando, although such operation is not probable at this time. If the operation at Orlando is put into effect, it is agreed that a conductor will be in charge of the car when occupied by passengers while it is set out at Orlando.

In consideration of this agreement it is understood that the Railroad Commission will withdraw, or indefinitely postpone, said Order No. 1217 so far as it affects The Pullman Company, until The Pullman Company violates this agreement and such violation remains in effect for thirty days.

It is understood that The Pullman Company is making this agreement in order to cooperate with the Commission as far as possible, and this agreement is not to be construed as a waiver of any of the legal rights of The Pullman Company, or any admission that said Order No. 1217 is a legal, valid or binding order, or within the power of the Railroad Commission to make.

Very truly yours,

(Signed) SCOTT M. LOFTIN,
Counsel for The Pullman Company."

"SEABOARD AIR LINE RAILWAY

Atlanta, Georgia, January 6, 1936.

Florida State Railroad Commission,
Tallahassee, Florida.
Gentlemen:

Referring to Order No. 1217, Docket 1274, the effective date of which Order has been suspended pending public hearing on

January 13, 1936, and to the conference of representatives of the railroads with the Commission this morning in respect to such Order in-so-far as it relates to Stewards on dining cars.

The Seaboard Air Line Railway Company is at present operating in the State of Florida the following dining cars without Stewards on Trains 409 and 410; 508, 509 and 510 between Tampa and Venice and-or Boca Grande; Trains 807 and 808 between Wildwood and Miami. This Railroad does not contemplate at the present the operation of any additional dining cars in this State which are not in charge of Stewards.

As a matter of courtesy to the Commission, and in an effort to amicably adjust the situation involved in its Order above referred to the Seaboard Air Line Railway Company hereby agrees that it will not operate any dining cars other than those named in the State of Florida without Stewards, unless it has first written or wired the Commission of its intention to do so.

It is our understanding that in consideration of the foregoing, that the Railroad Commission will withdraw or indefinitely suspend said Order No. 1217 so far as it affects dining cars.

It must be further understood that in making this agreement in order to cooperate with the Commission as far as possible, that this agreement is not to be construed as a waiver of any of the legal rights of the Seaboard Air Line Railway Company or its Receivers, or any admission that said Order No. 1217 is a legal, valid or binding Order or within the power of the Railroad Commission to make.

Yours very truly,

(Signed) W. L. STANLEY,
Chief Public Relations Officer."

"ATLANTIC COAST LINE RAILROAD COMPANY

Jacksonville, Fla., January 6, 1936.

Mr. W. B. Douglass, Chairman,
Florida Railroad Commission,
Tallahassee, Florida.

Dear Mr. Douglass:

This letter is written to you by the Atlantic Coast Line Railroad Company purely as a courtesy to the Railroad Commission of Florida in relation to the subject matter treated

herein, and without recognizing that the Railroad Commission has any jurisdiction or authority over the matters and things related herein.

The Atlantic Coast Line Railroad Company operates dining cars at the present time in the State of Florida in charge of Stewards, but it has in the past (particularly during the summer months) operated dining cars on short runs, to-wit, on Trains 39 & 40, 91 & 92; without Stewards because of the small amount of patronage that has been given to the dining cars and because of the fact that if Stewards were operated thereon it would increase the deficit to such an extent that probably the dining cars would have to be omitted from the trains where so operated without Stewards.

We are free to say that we will in the future continue the policy that the Coast Line has always pursued, but if we intend in any instance to change that policy in relation to the operation of dining cars without Stewards, as a matter of courtesy to the Railroad Commission we shall be glad to write or wire the Commission telling them that we intend to do so.

This letter is written without prejudice to any legal right the Coast Line has in relation to the subject matter of this letter, and with every reservation of its right to contest any authority of the Railroad Commission to take any action whatsoever in relation to the matters and things herein stated.

This letter is written upon condition that upon its receipt by the Railroad Commission, that Order No. 1217, Docket 1274, in relation to dining cars, shall be forthwith withdrawn or indefinitely postponed.

Yours very truly,

(Signed) J. P. WALKER, General Superintendent."

—
"FLORIDA EAST COAST RAILWAY

Jacksonville, Fla., January 6, 1936.

Florida Railroad Commission,
Tallahassee, Florida.

Gentlemen:

We now confirm our informal discussion this morning with the Commission concerning Order No. 1217, relating to the operation of dining cars and in which discussion it was agreed that such Order be withdrawn or indefinitely postponed:

All dining cars at present operated over our line are in charge of Stewards. This is our practice both in the Summer and Winter, and we do not contemplate making any change in this practice. If for economic or for other reasons we deem it necessary or advisable to make any change in such practice we will before doing so notify you.

This letter it not to be construed as an admission upon our part of the power, authority or jurisdiction of the Commission in the premises, or as a waiver of any of our legal rights in connection therewith; such legal rights being hereby expressly reserved.

Yours very truly,

W. R. KENAN, and SCOTT M. LOFTIN,
Receivers, Florida East Coast Ry.

(Signed) RUSSEL L. FRINK, General Attorney."

"Jacksonville, Florida, January 6, 1936.

Florida Railroad Commission,
Tallahassee, Florida.

ORDER NO. 1217-1218—DOCKET 1274.

Dear Sirs:

Referring to the above orders insofar as they purport to relate to dining car service by the Southern Railway Company, and also to the informal discussion today between the Commission and representatives of various railroad companies operating in Florida, we are pleased to advise the Commission as follows:

The Southern Railway operates dining car service in interstate commerce into and out of Florida on trains Nos. 1 and 2, known as the "Ponce de Leon," which trains run into and out of Jacksonville to and from the Georgia line and points beyond. During the period of heavy travel a dining car steward is in charge. In the summer season when travel is light the steward is discontinued and a colored waiter looks after the infrequent service, though the train conductor is in charge of the dining car as well as the other cars in the train. This has been the practice and method operation for some time in the past.

The Company also operates a seasonal train known as the "Florida Sunbeam" which service was commenced January 2nd

of this year, and will probably be continued until about the middle of April, depending upon the traffic. This is also an interstate movement similar to that of the "Ponce de Leon." This train furnishes dining car service and the car is in charge of a steward.

These are the only trains with dining car service which are operated by the Southern Railway in Florida.

The Company does not at the present time contemplate any change in the policy that has been pursued in the past, but as a matter of courtesy to the Commission the Company will be glad to write or wire the Commission telling it of any change of policy which the Southern Railway expects to make in this connection.

This letter is written without prejudice to any right which the Southern Railway may have in relation to the subject matter of this letter and with every reservation of its rights to contest the authority of the Railroad Commission to take any action whatsoever in relation to the matters and things herein stated, or to the validity of any order which has or may be entered in relation to these matters.

It is understood that in consideration of the foregoing information and similar information from the other railroads operating in Florida the Railroad Commission will withdraw the order in question or that it will be indefinitely suspended and will not be reinstated or any attempt made to make it effective without hearing after due notice.

Yours very truly,

KNIGHT, ADAIR, COOPER & OSBORNE.

(Signed) HENRY P. ADAIR,

Assistant Division Counsel, Southern Railway Company."

6. This matter now coming on for consideration before the Commission, and it being fully advised in the premises, and having carefully considered the letters incorporated herein, and in view of the spirit of cooperation on the part of The Pullman Company and the rail carriers indicated by such letters:

It is, therefore CONSIDERED, ORDERED and ADJUDGED by the Railroad Commission of the State of Florida:

(a) That in order to clarify Order No. 1217 the same

is hereby amended to read as follows:

"Wherefore it is CONSIDERED, ORDERED and

ADJUDGED by the Railroad Commission of the State of Florida that from and after the effective date of this order no sleeping car, parlor car, chair car, dining car or buffet car, shall be operated on any line of railroad in the State of Florida when occupied by passengers holding the proper transportation for the accommodation of such cars unless such cars are continuously in charge of an employee or an authorized agent of the firm or corporation owning or operating same, having the rank and position of pullman conductor or dining car steward; provided that one or more pullman cars in the same train may be in the custody or care of a pullman conductor."

- (b) That further hearing in this matter is unnecessary and that the effective date of said Order No. 1217, as amended herein, be, and the same is, hereby POSTPONED indefinitely.

DONE and ORDERED by the Railroad Commission of the State of Florida, in session at its office in the city of Tallahassee, Florida, this 9th day of January 1936.

ORDER NO. 1231.

**BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA.**

**IN RE: CHARGES FOR PROTECTIVE SERVICE TO PERISH-
ABLE FREIGHT—SECTION 4.**

Upon further consideration of this matter, and it appearing that by letter dated August 6, 1936, the rail carriers through their National Perishable Freight Committee were authorized to publish and maintain the same charges on intra-state traffic that were prescribed by the Interstate Commerce Commission on interstate shipments of perishable freight in its Order in I. C. C. Docket No. 20769, Charges for Protective Service to Perishable Freight, issued June 2nd, 1936, and it now appearing that the Interstate Commerce Commission by its Order dated September 29, 1936, in I. C. C. Docket No. 20769, has vacated and set aside that portion of its Order entered in this proceeding on June 2, 1936, requiring the establishment, maintenance and application of the charges under Section 4 of the Perishable Protective Tariff as prescribed in said Order, except

that the Section 4 charges so prescribed shall continue in effect as the basis for billing and settlement in accordance with the provisions of Section 2 of Rule 238, as set forth in Supplement No. 26 to the said Perishable Protective Tariff, Agent's Dearborn's I. C. C. No. 7:

It is CONSIDERED, ORDERED and ADJUDGED by the Railroad Commission of the State of Florida that the authority contained in letter of August 6, 1936, to publish and maintain the same charges on intrastate traffic as were prescribed for interstate traffic in the Order of the Interstate Commerce Commission issued on June 2, 1936, be and the same is hereby CANCELED and REVOKED, and the carriers are hereby required to restore and re-establish the charges on Section 4 traffic in Florida that were in effect on September 9, 1936, and to apply said Section 4 charges for intrastate traffic for all purposes for which they were applicable on September 9, 1936.

DONE and ORDERED by the Railroad Commission of the State of Florida, in session at its office in the city of Tallahassee, Florida, this 21st day of October, 1936.

W. B. DOUGLASS, Chairman.

ORDER NO. 1232,

DOCKET NO. 1298.

IN RE: PAYMENT OF INTEREST ON DEPOSITS AND ADVANCE PAYMENTS BY TELEPHONE COMPANIES.

THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA.

to

ALL TELEPHONE COMPANIES OPERATING UNDER
ITS JURISDICTION IN THE STATE OF FLORIDA.

The Railroad Commission of Florida having under consideration the matter of the payment by the telephone companies of interest on all deposits and advance payments required to be made by its subscribers:

It is CONSIDERED, ORDERED and ADJUDGED that the following rule is just and reasonable, and should be adopted and made a part of the tariffs of the telephone companies operating in Florida:

**"PAYMENT OF INTEREST ON DEPOSITS
AND ADVANCE PAYMENTS.**

"All deposits which the company requires the subscriber to make as a guarantee of good faith on the part of the telephone subscriber shall bear interest at the rate of 6% per annum to begin and run from date said deposit is required to be made.

"All advance payments required to be made for telephone service shall bear interest at the rate of 6% per annum to begin and run thirty days after such advance payments are made; Provided, that such advance payments when voluntarily made by the subscriber, and for his own convenience, shall bear no interest."

It is further ORDERED that all telephone companies operating under the jurisdiction of this Commission shall make the above rule a part of their tariffs, and observe and comply with the same, or show cause before this Commission at Tallahassee, Florida, on JANUARY 28, 1937, why said rule shall not be adopted and promulgated as a part of the tariffs of the said telephone companies.

DONE and ORDERED by the Railroad Commission of the State of Florida, in session at its office in the city of Tallahassee, Florida, this 7th day of January, 1937.

ORDER NO. 1233,

DOCKET NO. 1298.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA.

IN RE: PAYMENT OF INTEREST ON DEPOSITS AND ADVANCE PAYMENTS BY TELEPHONE COMPANIES.

1. By Order No. 1232 dated January 7, 1937, all telephone companies operating under the jurisdiction of the Railroad Commission of the State of Florida were notified that the Railroad Commission had under consideration the adoption of a rule requiring the payment of interest on deposits and advance payments, and were required to show cause on January 28, 1937, why a rule requiring the payment of interest on deposits and advance payments should not be adopted and promulgated as a part of the tariffs of the telephone companies.

2. Representatives of the Southern Bell Telephone and Telegraph Company and of the Peninsular Telephone Company appeared and were heard on said date and discussed said matter with the Commission and made certain recommendations as to the subject matter of said rule.

3. And it appearing by the evidence before the Commission that no reasonable, valid or legal objection of any kind exists to the final adoption of said rule, it is therefore ORDERED by the Railroad Commission of the State of Florida that the following rule be and the same is hereby adopted and promulgated and put into force, and each telephone company under the jurisdiction of the Commission is required to publish said rule as a part of its tariff:

"PAYMENT OF INTEREST ON DEPOSITS AND
ADVANCE PAYMENTS."

"All deposits which the company requires the subscriber to make as a guarantee of good faith on the part of the telephone subscriber shall bear interest at the rate of 6% per annum to begin and run from date said deposit is required to be made.

All advance payments in excess of tariff provisions required to be made for telephone service shall bear interest at the rate of 6% per annum, except those advance payments made for temporary disconnect service, said interest to begin and run thirty (30) days after such advance payments are made; Provided, that such advance payments when voluntarily made by the subscriber, and for his own convenience, shall bear no interest."

DONE and ORDERED by the Railroad Commission of the State of Florida, in session at its office in the city of Tallahassee, Florida, this 1st day of February, 1937.

REPORT OF MOTOR TRANSPORTATION DIVISION**THE FEDERAL MOTOR CARRIER ACT, 1935.**

On August 9, 1935, Congress enacted the Motor Carrier Act of 1935, designated as Part II of the Interstate Commerce Act, which became effective on October 1, 1935. However, the Interstate Commerce Commission was given authority to postpone the effective date of any part of the Act, but not beyond April 1, 1936.

The policy of Congress was declared to be for the purpose of regulating motor transportation, preserve inherent advantages, foster sound economical service, coordinate transportation, develop highway transportation adopted to the needs of the commerce of the United States and of the national defense.

The Interstate Commerce Commission may appoint joint boards composed of representatives of state commissions, and refer to a joint board applications for certificates and permits and proceedings relating to revocation of certificates or permits, complaints as to rates, fares and charges and violations of the act and other judicial matters, involving carriers operating in not more than three states. Such joint boards have the same powers as members or examiners of the Interstate Commerce Commission in similar proceedings. Orders recommended by joint boards become effective in the same manner as proposed orders of members or examiners of the Interstate Commerce Commission. Hon. Eugene S. Matthews has been named by this Commission to represent this Commission on the joint boards of this district. He is a member of Joint Boards 64, 99, 102, 98, 205.

The Interstate Commerce Commission will have a tremendous task in administering this Act. It is estimated that two hundred thousand applications have been filed under the Grandfather clause for certificates and permits. This Commission has received about one thousand copies of applications for authority to operate in Florida. We feel that federal regulation of motor carriers is essential to a well-balanced, efficient transportation system and will cooperate with the Interstate Commerce Commission to this end.

ENFORCEMENT.

The enforcement of motor transportation regulation has progressively increased, in establishing, promoting and maintaining adequate, economical and efficient transportation in motor

carriage of freight and passengers. The tendency toward consolidation and absorption of smaller lines continues making the regulation of certified carriers easier, as the larger lines are more financially responsible and better managed, but there are a number of smaller lines which are taking care of all of their obligations and giving good service.

The Commission hopes to gain full co-operation on the part of certified carriers in observing the law and giving good service at reasonable, uniform rates. When this is done the Commission will be in position to use their inspectors in enforcing the law against those illegal carriers who are disorganizing the transportation system, disrupting markets, adding to the hazards of the road with poor equipment and paying nothing toward maintenance of state roads.

But experience has shown that in order to enforce the act as promptly and without additional cost certain amendments should be made to the motor transportation act.

The act requires anyone hauling for "compensation" to secure a certificate of convenience and necessity or a permit. The term compensation should be more clearly defined and factual or prima facie evidence should be provided as being conclusive of transporting for compensation.

Direct definition of "for hire" should be contained in the act itself, rather than by reference to Section 1280 of the General Statutes.

Section 15 of the Act should be amended to provide imprisonment in the county jail not exceeding six months, rather than one year, in order that speedier trials may be had in the lower courts.

Section 30 should be revised to more clearly define exempt products.

Section 16 should be amended to provide for a flat charge per vehicle tax on permit passenger carriers, rather than a mileage tax. The present tax on passenger permit carriers is difficult to collect and is not compensatory.

Section 17 should be amended to allow the Commission at least 20% of mileage taxes collected for enforcement purposes. Increased cost would be off-set by increased enforcement.

Our inspectors report the issuance of bills of lading by a shipper to the driver of a vehicle, when the property is actually owned by the shipper or consignee and is transported

for hire, in an attempt to evade the law. Also the transfer of title to a vehicle from the actual owner to a shipper for the purpose of making it appear that the shipper is the owner of the vehicle. It is difficult to secure sufficient evidence for conviction when such subterfuges are practiced. The Commission should be given original jurisdiction to examine both the owner of the vehicle and the owner of property under oath and cause the production of books, records and other documentary evidence to establish whether or not an evasion of the law is being attempted, or some other method should be devised to break up this practice.

During the year 1936 the Commissioners employed on an average of eight Inspectors. One inspector was assigned to the territory West of the Suwannee River; two were stationed at Jacksonville to cover the main interstate highways, Nos. 3 and 4. One Inspector each is located at Sanford, Ocala, Tampa and Miami. We believe that if the Commission was in a position to employ six additional inspectors to be stationed at the main highways entering the State—better enforcement of the law would be obtained.

For the year covered by this report our Inspectors made three hundred and twenty arrests and obtained two hundred and seventy-six convictions. Thirty-three cases were dismissed and twelve are still pending in the Courts.

The Inspectors traveled, in the discharge of their duties, collectively two hundred and forty-three thousand, eight hundred and sixty-five miles.

In addition to their regular duties, our Inspectors required numerous carriers to purchase for hire tags, enforced highway safety provisions, and assisted as far as possible local enforcement officers.

We again give credit to the Sheriffs, County Road Patrols, Prosecuting Attorneys and other enforcement and law officers for the splendid cooperation they have given to our Inspectors in the enforcement of the regulation of motor carriers.

ILLEGAL PASSENGER CARRIERS

We feel that the attention of the public should be called to the danger of using illegal and unregulated passenger vehicles. In the first place, these vehicles are not covered by insurance and a passenger has no recourse to recover any damages whatever in the event of an accident. The equipment is usually unsafe, adding to the hazards of a trip and as a usual rule the

passengers know nothing whatever of the qualifications and character of the driver.

In the second place these drivers are soliciting and carrying passengers in violation of the State laws, and it is possible that passengers would be called on to testify as witnesses when these drivers are arrested for breaking the traffic regulations.

Passengers who have employed these illegal carriers have complained to the Commission that after paying for a trip they have been put out of the car before reaching their destination and otherwise mistreated. Travel bureau operatives usually solicit business secretly in and around hotels. Such solicitation for interstate trips is in violation of the Federal Motor Carrier Act requiring transportation agents to secure licenses from the Interstate Commerce Commission.

We earnestly request the aid of the public in maintaining an orderly, adequate and economical system of transportation by patronizing only authorized motor and rail lines who are prepared to give good, safe passenger service.

Attention of parents of students at colleges should be called to the peril of employing unauthorized carriers in transporting students to and from colleges. There could be, of course, no objection to an owner of a car transporting anyone as a matter of accommodation, but in doing so he assumes liability for any accident which may occur. But only approved carriers should be employed for compensation.

Our inspectors have reported that school buses are being used for transporting persons for hire in various parts of the State. These buses are licensed only to transport school children to and from school. In a number of instances brought to our attention serious accidents have been narrowly averted and in our opinion the drivers were not physically fit to make long trips on the road.

We have secured the co-operation of the Board of Education and Motor Vehicle Department in requesting school superintendents and boards in limiting school buses to the transportation of school children.

On July 2, 1936, Lewis G. Thompson, who had served for over eighteen years, rendering loyal and capable service to the Commission as Secretary and Superintendent of the Motor Transportation Division, resigned his position to accept an appoint-

ment as Supervisor of the Bureau of Motor Carriers of the Interstate Commerce Commission.

The minutes of the Commission accepting his resignation are published in this report as a token of the high esteem in which he was held by everyone who was associated with him.

MINUTES FOR JULY 2, 1936.

Commissioners Douglass, Matthews and Carter were in session at their offices. The following resignation of Lewis G. Thompson, Secretary of the Commission, was submitted:

"Hon. W. B. Douglass, Chairman,
Hon. Eugene S. Matthews, Commissioner,
Hon. Jerry W. Carter, Commissioner,
Florida Railroad Commission,
Tallahassee, Florida.
Gentleman:

Some time ago I passed successfully a civil service examination and recently the Interstate Commerce Commission has offered me a responsible position with the Bureau of Motor Carriers as supervisor in Florida, which I have accepted to be effective July 6.

You do not know how much I regret resigning from the Commission where I have been honored in serving as Secretary for the past eighteen years and Superintendent of the Motor Division for five years. It has been a real privilege to work with you gentlemen and have some part in the progress and development of our State through efficient and fair regulation of its transportation and utilities, which has earned for the Commission a high standing in the regulatory field.

I appreciate, too, the personal friendship of the Commissioners and my associates. Our relations have been like those of a happy family. However, in the new position I will be able to render a valuable public service, and as it will offer an opportunity for advancement, I feel that I should accept it.

Wishing for you and my associates continued success and happiness, and assuring you of my enduring friendship, I am,

Sincerely,
(Signed) Lewis G. Thompson."

On motion of Commissioners Matthews his resignation was accepted. In connection with the resignation of the Secretary Commissioner Matthews presented the following resolutions:

"LEWIS G. THOMPSON became Secretary to this Commission on August 1st, 1917. For a period of almost nineteen years he has rendered loyal, efficient and satisfactory service to the Commission and to the public. At all times he has been patient and courteous and has displayed an intelligent interest in the varied duties he has been called upon to perform. By his careful and painstaking discharge of these many duties he has made the work of the members of the Commission easier, and the appearance of the public before the Commission pleasant and agreeable.

"After these many years of conscientious service to the people of Florida Mr. Thompson has been called to a broader field of work, and has accepted a responsible position with the Bureau of Motor Carriers of the Interstate Commerce Commission. This necessitates the severance of his connection with the Florida Railroad Commission.

"Therefore BE IT RESOLVED by the members of the Railroad Commission of Florida in regular session:

"1. That it is with sincere and poignant regret that we consent to the departure of Mr. Thompson, fully realizing that it means a severe loss to us and that it will be difficult to replace him with one equally competent and efficient.

"2. That we heartily commend him to those with whom his new work will bring him into contact as one thoroughly conscientious, competent and loyal.

"3. That we congratulate him upon his preferment and wish him much success in his new line of endeavor confident that his assiduity to his duties and his native ability will ensure this success.

"(Signed) W. B. Douglass, Chairman,

(Signed) Eugene S. Matthews,

(Signed) Jerry W. Carter.

"FLORIDA RAILROAD COMMISSION.

"Tallahassee, Florida,
July 2, 1936."

The resolutions were unanimously adopted and ordered spread on the minutes of the Commission.

AUTO TRANSPORTATION MILEAGE TAX COLLECTIONS CALENDAR YEAR 1936

Common Carriers—Buses	\$103,212.73
Common Carriers—Trucks	82,356.01
Contract Carriers—Trucks	63,734.30
Household Goods Carriers	7,333.80
Permit Holders	3,433.12
Miscellaneous	902.45

\$260,972.41

Distributed as follows:

Comptroller's Expense Fund	\$ 17,570.71
R. R. Commission Expense Fund	26,097.69
To Counties for Road Bonds	204,379.36
County School Fund	4,544.23
Cities and Towns Fund	8,380.42

\$260,972.41

Total Collections 1936	\$260,972.41
Total Collections 1935	217,487.23
Total Collections 1934	176,846.20
Total Collections 1933	148,632.57
Total Collections 1932	139,822.38
Total Collections 1931	142,293.44

The following is a list of the common carrier operators in Florida, together with an outline of the routes over which they are authorized to operate under Certificates of Public Convenience and Necessity issued by this Commission.

The outline of routes will be used in issuing new certificates, renewing and consolidating under one certificate number the rights and authorities hereinbefore granted by the Commission.

It is the purpose of the Commission to send these outlines to all interested parties in order that objections, if any, may be filed at a hearing to be called by the Commission for the purpose of issuing new certificates.

Atlantic Greyhound Inc., of Va., 601 Virginia St., Charleston, W. Va. Certificate No. 130, 132, 1A. Orders pertaining to certificate 242, 243, 314, 315, 1A. Interstate only. Passengers baggage and light express. Six trips daily. From Ga. Fla. Line to Jacksonville, Via Highway, Fla. 4, US 1.

Coleman Motor Lines, Tifton, Ga. Certificate No. 62. Orders pertaining to certificate 64, 227, 781, 457½. Common Carriers Passengers, Mail and Express. From Ga. Fla. Line to Tallahassee, Via Highway Fla. 10, US 19; from Ga. Fla. Line to Monticello, Via Highway Fla. 11.

East Coast Stages, Inc., Baltimore, Maryland. Certificate No. 177. Order pertaining to certificate 470. Common Carrier Passenger. From Jacksonville to Ga. Fla. Line (Via Ulee), Via Highway Fla. 3, US 17.

Florida Motor Lines, Inc., Jacksonville, Fla. Certificate No. 8. Orders pertaining to certificate 82, 122, 123, 164, 195, 226, 286, 287, 302, 305, 306, 343, 381, 416, 456, 457, 577, 754, 813, 827, 880, 824, 825. Common Carrier Passenger. From Jacksonville to Orlando, Via Highway Fla. 3, US 17; from Orlando to Haines City, Via Highway Fla. 2, US 92-17; from Haines City to Plant City, Via Highway Fla. 17, US 92; from Winter Haven to Auburndale, Via Co. Roads; from Plant City to Tampa, Via Highway Fla. 17, US 92, Fla. 23; from Tampa to St. Petersburg, Via Gandy Bridge; from Orlando to Jct. Fla. 22, Via Highway Fla. 22; from Clearmont to Junc. Fla. 2, Via Highway Fla. 55; from Junc. Fla. 22-2 to Lakeland, Via Highway Fla. 2; from Daytona Beach to DeLand, Via Highway Fla. 21, US 92; from Jacksonville to Miami, Via Highway Fla. 4, US 1; from Miami to Key West, Via Highway Fla. 4A; from Orlando to Indian River City, Via highway Fla. 22; from Hollywood to Miami, Via Highway Fla. 140; from Deerfield to Ft. Lauderdale, Via Highway Fla. 176, Co. Road; from Jacksonville to Bayard, Via Co. Road; from Jacksonville to Mayport, Via Highway Fla. 78; from Mayport to St. Augustine, Via Highway Fla. 78; from St. Augustine to Daytona Beach, Via Highway Fla. 140; from Jacksonville to Baldwin, Via Highway Fla. 1, US 90; from Baldwin to Gainesville, Via Highway Fla. 13; from Lake City to Orlando, Via Highway Fla. 2, US 41-441; from Ocala to Dunnellon, Via Highway Fla. 74, US 41; from Ocala to Dunnellon, Via Highway Fla. 16; from Dunnellon to Tampa, Via Highway Fla. 5, US 19-41; from Ocala to Plant City, Via Highway Fla. 2-23; from Zephyr to Tampa, Via Highway Fla. 156; from Lakeland to Bartow, Via Highway Fla. 124; from Bartow to Winter Haven, Via Highway Fla. 2, US 17; from Winter Haven to Dundee, Via Co. Road; from Haines City to Ft. Pierce, Via Highway Fla. 8; from Bartow to Junc. 79-30, Via Highway Fla. 79; from Junc. 79-30 to Vero Beach, Via Highway Fla. 30; from Ocala to Silver Springs, Via Highway Fla. 19; from Tampa to Lake City, Via Highway Fla. 5, US 41-19; from Leesburg to Groveland, Via Highway Fla. 2; from Dunnellon to Pine Level, Via Highway Fla. 168; from Pine Level to Tarpon

Springs, Via Highway Fla. 15, US 19; from Tarpon Springs to St. Petersburg, Via Highway Fla. 15, US 19, Co. Roads.

Georgia Stages, Inc. Certificate No. 194. Orders pertaining to certificate 956. Common Carrier Passengers, Baggage and Express. From Tallahassee to Havana, Via Highway Fla. 1, US 27; from Havana to Fla. Ga. Line, Via Highway Fla. 58, US 27.

Mrs. Aileen Green, DeLand, Fla. Certificate No. 110. Orders pertaining to certificate 131. Common Carrier Mail and Freight, Passengers, Baggage and Express. From DeLand to DeLand Junc., Via Highway Fla. 21.

Gulf Coast Motor Lines, Inc., Tampa, Fla. Certificate No. 162. Orders pertaining to certificate 302, 825. Common Carrier Passenger. From Tarpon Springs to Clearwater, Via Highway Fla. 15; from Clearwater to Tampa Shores, Via Highway Fla. 17; from Tampa Shores to Tampa Co. Roads, Davis Causeway, Via Highway Fla. 17.

Gulf Crescent Motor Lines, Inc., Jacksonville, Fla. Certificate No. 106. Orders pertaining to certificate 113, 115, 116, 291, 591, 727, 811, 824. Common Carrier, Passengers, Baggage and Express. From Tallahassee, to Williston, Via Highway Fla. 19, US 19; from Williston to Ocala, Via Highway Fla. 19; from Williston to Dunnellon, Via Highway Fla. 5, US 19; from Jct. Fla. 19, US 19, and Fla. 14 (Fannin) to Gainesville, Via Highway Fla. 14.

Mary M. Ketner, Doing Business as Glades K. Motor Line, West Palm Beach, Fla. Certificate No. 108. Orders pertaining to certificate 119. Common Carrier of Passengers, Baggage and Express. From West Palm Beach to Juct. 25-194, Via Highway Fla. 25; from Juct. 25-195 to Canal Point, Via Highway Fla. 194; from Canal Point to Belle Glade, Via Highway Fla. 143; from Belle Glade to Clewiston, Via Highway Fla. 25.

Lees Coach Lines, Marianna, Fla. Certificate No. 4, 5, and 6. Orders pertaining to certificate 4, 5, 6, 121, 165, 180, 781. Common Carrier Passengers, Baggage and Express. From Panama City to Tallahassee, Via Highway Fla. 10, US 98-319; from Marianna to Juct. Fla. 6, Via Highway Fla. 1, US 90; from Juct. Fla. 1-6 to Port St. Joe, Via Highway Fla. 6.

Wayne F. McJunkin, Fernandina, Fla. Certificate No. 42. Orders pertaining to certificate 43, 877. Common Carrier Freight, Passengers, Baggage and Express. From Fernandina to Yulee, Via Highway Fla. 13; from Yulee to Jacksonville, Via Highway Fla. 3, US 17; from Fernandina to Yulee, Via Highway

Fla. 3; from Yulee to Jacksonville, Via Highway Fla. 3, US 17; from Yulee to Callahan, Via Highway Fla. 13; from Callahan to Jacksonville, Via Highway Fla. 4, US 1.

Monroeville Bus Co., Dothan, Ala. Certificate No. 200. Orders pertaining to certificate 395. Common Carrier Passenger. From Fla. Ala. Line to Jct. Fla. 87 and 7, Via Highway Fla. 87; from Jct. Fla. 87 and 7 to Pensacola, Via Highway Fla. 7, US 313.

Fred W. Myers, 1171 NW 2nd Street, Miami, Fla. Certificate No. 128. Orders pertaining to certificate 128, 230. Passenger sight-seeing tours. From Miami to Palm Beach, Via Highway Fla. 4, US 1.

Henry J. Redd, Tallahassee, Fla. Certificate No. 125. Orders pertaining to certificate 196. Common Carrier Passengers, Baggage, Mail and Express. From Tallahassee to Monticello, Via Highway Fla. 1, US 90.

H. O. Rooks, DBA, Rooks Coach Line, Bristol, Fla. Certificate No. 197. Orders pertaining to certificate 779. Common Carrier Passengers, Baggage and Express. From Blountstown to Tallahassee, Via Highway Fla. 19.

Seminole Coach Line, St. Augustine, Fla. Certificate No. 106. Orders pertaining to certificate 814. Common Carrier Passengers, Baggage and Express. From St. Augustine to Gainesville, Via Highway Fla. 14.

Southeastern Greyhound Lines, Inc., Atlanta, Ga. Certificate No. 1. Orders pertaining to certificate 1, 160. Common Carrier Passenger. From Jacksonville to Ga. Fla. Line, Via Highway Fla. 4, US 1; from Jacksonville to Lake City, Via Highway Fla. 1, US 90; from Lake City to Ga. Fla. Line, Via Highway Fla. 2, US 41.

Teche Lines, Inc., New Orleans. 400 Rampart St. Certificate Nos. 18, 25, 81. Orders pertaining to certificate 18, 25, 159, 303, 801. Common Carrier Passenger, Baggage and Express. From Ala. Fla. Line to Marianna, Via Highway Fla. 1, US 90; from Pensacola to Fla. Ala. Line, Via Highway Fla. 7, US 29-331.

Town of Passa-Grille Beach, Passa-Grille Beach, Fla. Certificate No. 90. Orders pertaining to certificate 93. Common Carrier Passengers, Baggage and Light Express. From Passa-Grille Beach to St. Petersburg, Via Highway Fla. 233-263.

Union Bus Company, 124 Jefferson St., Jacksonville, Fla. Certificate No. 26, 47. Orders pertaining to certificate 27, 117, 286, 547, 569, 653, 679, 732, 666. Common Carrier Passenger, Bag-

gage and Express. From Jacksonville to Marianna, Via Highway Fla. 1, US 90; from Marianna to Fla. Ala. Line, Via Highway Fla. 6, US 231; from Jct. Fla. 1 to Jct. Fla. 1, Via County Roads (Havana, Fla.); from Jacksonville to Fla. Ga. Line, Via Highway Fla. 4, US 1; from Lake City to Ga. Fla. Line, Via Highway Fla. 2, US 41.

Acme Freight Lines, Inc., 141 Davis St., Jacksonville, Fla. Certificate No. 185. Orders pertaining to certificate 642, 682, (also see Order No. 788). Interstate only, Tampa to Jacksonville, Interstate only. Common Carrier Freight. From Jacksonville to Lake City, Via Highway Fla. 1, US 90; from Lake City to Ga. Fla. St. Line, Via Highway Fla. 2, US 41. Full truck only, second sections on them from Ga. Fla. Line to Jacksonville, Via Highway Fla. 4, US 1. By Order No. 788 under injunction from Ga. Fla. Line to Jacksonville, Via Highway Fla. 4, US 1; from Jacksonville to Baldwin, Via Highway Fla. 1, US 90; from Baldwin to Waldo, Via Highway Fla. 13; from Waldo to Ocala, Via Highway Fla. 31; from Ocala to Juliette, Via Highway Fla. 16; from Juliette to Tampa, Via Highway Fla. 5, US 19-41.

W. L. Akins Transportation Co., Inc., 1418 W. Church St., Jacksonville, Fla. Certificate No. 70. Orders pertaining to certificate 72, 241, 528. Common Carrier Freight. From Jacksonville to Daytona Beach, Via Highway Fla. 4, US 1; from Jacksonville to Orlando, Via Fla. 3, US 17-92; from Daytona Beach to DeLand, Via Highway Fla. 21, US 92; from Orlando to Indian River City, Via Highway Fla. 22.

Atlantic Coast Line Railroad Co., Port Tampa, Fla. Certificate No. 17. Orders pertaining to certificate 726. Common Carrier Mail, Express and Company Materials. From Tampa to Port Tampa, Via County Road.

Bee Line Transfer Co., 237 S. Water St., Tampa, Fla. Certificate No. 9. Orders pertaining to certificate 7, 9, 167, 278. Common Carrier Freight. From Tampa to St. Petersburg, Via Gandy Bridge.

Brown's Motor Freight Line, Inc., Foot of Newnan St., Jacksonville, Fla. Certificate No. 91. Orders pertaining to certificate 94, 178, 360, 420, 752. Common Carrier Freight. From Ga. Fla. State Line to Jacksonville, Via Highway 4, US 1; from Jacksonville to New Smyrna, Via Highway Fla. 4, US 1.

Central Truck Lines, Inc., Tampa, Fla. Certificate No. 56. Orders pertaining to certificate 57, 168, 212, 240, 432, 433, 463, 495, 580, 581, 608, 661, 703, 729, 730. Common Carrier Freight. From

Ga. Fla. State Line to Lake City, Via Highway US 41; from Jasper to Live Oak, Via Highway Fla. 50; from Live Oak to Lake City, Via Highway US 90; from Lake City to Jacksonville, Via Highway US 90; from Ga. Fla. State Line to Jacksonville, Via Highway US 1; from Lake City to Tampa, (via Gainesville and Ocala), Via Highway US 41; from High Springs to Williston, Via Highway Fla. 5; from Williston to Hernando, Via Highway US 19; Baldwin to Gainesville, Via Highway Fla. 13; from Waldo to Ocala, Via Highway Fla. 31.

To effect deliveries following roads may be used: All roads south of Waldo, Fla. and North of Ocala, Fla., connecting US 41 and State Road 31.

From Ocala to Juliette, Via Highway Fla. 15; from Reddick to Fairfield, Via Co. Rd.; from Ocala to Orlando (via Ft. Mason), Via Highway US 441; from Leesburg to Mount Dora (via Tavares), Via Highway US 441; from Fort Mason to Altoona, Via Highway Fla. 55; from Belleview to Plant City, Via Highway Fla. 2-23; from Tavares to Eva (via Minneola and Montverde), Via Highway Fla. 55; from Bushnell to Orlando, Via Highway Fla. 22; from Orlando to Winter Park, Via Highway US 92.

To effect deliveries following roads may be used: All roads in Marion County bounded by S.R. 74 and 2 south of Ocala.

All roads in Lake and Orange Counties bounded by S.R. 2 from Leesburg to Groveland, S.R. 2 from Orlando to Leesburg.

From Leesburg to Lakeland, Via Highway Fla. 2.

To effect deliveries following roads may be used: Roads in Pasco, Hernando, Sumter and Citrus counties east of Road 5 (State); West of S.R. 23-2 and south of S.R. 36, inclusive.

All roads in Sumter County east of S.R. 23-2-W, and west of S.R. 2-E. Roads south of Ocala, in Marion County, bounded by S.R. 74 and 2.

From Orlando to Tampa, Via Highway US 92; from Plant City to Tampa, Via Highway Fla. 23; from Tampa to St. Petersburg, Via Highway US 19, Via Gandy Bridge; from St. Petersburg to Dunedin, Via Highway US 19; from Dunedin to Tampa, Via Highway Fla. 17.

To effect deliveries following roads may be used: All county roads in Pinellas County South of S.R. 229-17.

From Haines City to Lake Placid, Via Highway Fla. 8; from Tampa to Lake Wales, Via Highway Fla. 79 (Hopewell Rd.); from Lakeland to Brewster, Via Highway Fla. 34; from Brew-

ster to Frostproof, Via Highway Fla. 30 and Co. Rd.; from Lakeland to Bartow, Via Highway Fla. 124; from Haines City to Ft. Meade, Via Highway US 17.

To effect deliveries following roads may be used: All roads in Polk County south of S.R. 17 US 92, and west of S.R. 8.

From Plant City to Mulberry, Via Co. Rd.; from Auburndale to Dundee, Via Co. Rd.

To effect deliveries the following roads may be used: All roads in Hillsboro County between S.R. 17 and 79.

All intermediate points served.

Off-line station, Inglis, Silver Springs, Via Highway Fla. 16-A, 19.

C. L. Chastain, DBA, Chastain's Transfer Line, Thomasville, Ga. Certificate No. 187. Orders pertaining to certificate 643. Common Carrier Freight, Interstate only. From Ga. Fla. Line to Tallahassee, Via Highway Fla. 10, US 19.

C. & H. Transfer Co., Ft. Lauderdale, Fla. Certificate No. 147. Orders pertaining to certificate 149, 284. Common Carrier Freight. From Ft. Lauderdale (all intermediate points) to Miami, Via Highway Fla. 4, US 1.

Elliot-Young Cons. Inc., W. Palm Beach, Fla. Certificate No. 22-93. Orders pertaining to certificate 22, 96, 183, 264, 340, 446. Common Carrier Freight. From W. Palm Beach to Miami (intermediate points), Via Highway Fla. 4, US 1; from W. Palm Beach to Canal Point, Via Highway Fla. 25, 194; from Pahokee (A to D daily) to Belle Glade, Via Highway Fla. 143; from Southbay to Clewiston, Via Highway Fla. 25; from W. Palm Beach to Belle Glade, Via Highway Fla. 25; from Pahokee to Canal Point, Via Highway Fla. 143; from Port Mayaca to Okeechobee, Via Highway Fla. 194; from Okeechobee to Jupiter, Via Highway Fla. 29; from Jupiter (C to J Mon. Wed. Fri.) to Kelsey City, Via Highway Fla. 196; from Riveria to W. Palm Beach, Via Highway Fla. 4; from W. Palm Beach to Belle Glade, Via Highway Fla. 25; from Pahokee to Canal Point, Via Highway Fla. 143; from Port Mayaca (K to N Tues. Thurs. Sat.) to Canal Point, Via Highway Fla. 194; from Canal Point to W. Palm Beach, Via Highway Fla. 25.

Five Transportation Co., Brunswick, Ga. Certificate No. 15. Orders pertaining to certificate 15. Common Carrier Freight. From Ga. Fla. Line to Jacksonville (Via Ulee), Via Highway Fla. 3, US 17.

Florida East Coast Railway, St. Augustine, Fla. Certificate No. 14. Orders pertaining to certificate 14. Common Carrier Freight. From E. Palatka to Palatka, Via Highway Fla. 14, US 17; from New Smyrna to Glencoe, Via Highway Fla. 75; from Glencoe to Samsula, Via Highway Fla. 57; from Samsula to Orange City Junc., Via Highway Fla. 75.

Fogarty Bros. Transfer Co., Inc., Bradenton, Fla. Certificate No. 65. Orders pertaining to certificate 67, 240, 257, 449. Common Carrier Freight. From Tampa to Bradenton, Via Highway Fla. 23, US 541; from Bradenton to Sarasota, Via Highway Fla. 5, US 41; from Tampa to Sarasota, Via Highway Fla. 5, US 41.

Great Southern Trucking, Co., Jacksonville, Fla. Certificate No. 52, Part Certificate 10, Certificate 180. Orders pertaining to certificate 53, 836, 573. Common Carrier Freight. From Ga. Fla. Line to Jacksonville, Via Highway Fla. 4, US 1; from Jacksonville to Miami, Via Highway Fla. 4, US 1; from Daytona Beach to DeLand, Via Highway Fla. 21, US 92; from DeLand to Orlando, Via Highway Fla. 3, US 19, 7, 92; from Orlando to Haines City, Via Highway Fla. 2, US 17-92; from Haines City to Tampa, Via Highway Fla. 17, US 92; from Tampa to St. Petersburg, Via Gandy Bridge; from St. Petersburg to Safety Harbor, Via Highway Fla. 15; from Safety Harbor to Tampa, Via Highway Fla. 15; from Haines City to Lake Wales, Via Highway Fla. 8; from Haines City to Winter Haven, Via Highway Fla. 2, US 17; from Winter Haven to Auburndale, Via County Roads; from Lakeland to Bartow, Via Highway Fla. 124; from Bartow to Lake Wales, Via County Road; from Orlando to Leesburg, Via Highway Fla. 2, US 441; from Leesburg to Groveland, Via Highway Fla. 2; from Groveland to Orlando, Via Highway Fla. 22.

Green Brothers Transfer Co., P. O. Box 3599, Clearwater, Fla. Certificate No. 11. Orders pertaining to certificate 173, 235, 246. Common Carrier Freight, Household Goods. Order 246 grants authority to do contract hauling all points in State for Otis Elevator Co., Sherman Concrete Pipe Co., and Industrial Electric Co. From Tampa to Tampa Shores, Via Highway Fla. 17; from Tampa Shores to Dunedin, Via Highway Fla. 229; from Dunedin to Clearwater, Via Highway Fla. 15, US 19.

Highway Transportation Co., Marianna, Fla. Certificate No. 128. Orders pertaining to certificate 228. Common Carrier Freight. From Marianna to Juct. Fla. 6, Via Highway Fla. 1, US 90; from Juct. Fla. 6 to Wewahitchka, Via Highway Fla. 6.

D. E. Hunt, DBA, Hunt Truck Line, Lakeland, Fla. Certificate No. 67. Orders pertaining to certificate 288, 415, 534. Common

Carrier Freight. From Tampa to Haines City, Via Highway Fla. 17; from Auburndale to Florince Villa, Via Co. Road; from Florince Villa to Winter Haven, Via Highway Fla. 2; from Winter Haven to Lake Wales, Via Co. Road; from Lake Wales to Haines City, Via Highway Fla. 8; from Tampa to Six Mile Creek, Via Highway Fla. 23; from Six Mile Creek to Bartow, Via Highway Fla. 79; from Bartow to Ft. Meade, Via Highway Fla. 2, US 17; from Mulberry to Ft. Meade, Via Co. Road, Via Brewster; from Ft. Meade to Frostproof, Via Highway Fla. 30; from Frostproof to Sebring, Via Highway Fla. 8.

Independent Transfer Co., Brunswick, Ga. Certificate No. 21. Orders pertaining to certificate 21. Common Carrier Freight. Interstate only. From Jacksonville to Ga. Fla. Line, Via Highway Fla. 3, US 17.

K. & L. Transportation Co., Inc., Waycross, Ga. Certificate No. 178. Orders pertaining to certificate 532, 588. Common Carrier, Freight. From Ga. Fla. State Line to Jacksonville, Via Highway Fla. 4, US 1.

L. & L. Freight Lines, Inc., 1418 W. Church Street, Jacksonville, Fla. Certificate No. 14. Orders pertaining to certificate 14, 600, 751, 780, 713, 797, 833. Common Carrier Freight. From Ga. Fla. Line to Jacksonville, Via Highway Fla. 4, US 1; from Jacksonville to Miami, Via Highway Fla. 4, US 1; from Jacksonville to Crescent City, Via Highway Fla. 3, US 17; from Crescent City to Satsuma, Via County Road; from Welaka to Pomona, Via County Road; from East Palatka to Hastings, Via Highway Fla. 14; from Jacksonville to Baldwin, Via Highway Fla. 1, US 90; from Baldwin to Gainesville, Via Highway Fla. 13.

Lane Truck Line, Inc., 900 W. Duval Street, Jacksonville, Fla. Certificate No. 176. Orders pertaining to certificate 437, 460, 609, 776. Common Carrier Freight. From Ga. Fla. Line to Jacksonville, Via Highway Fla. 4, US 1.

Henry A. Marshall, DBA, Marshall Transfer Co., Fort Lauderdale, Fla. Certificate No. 168. Orders pertaining to certificate 787. Common Carrier Freight. From Fort Lauderdale to Miami, Via Highway Fla. 4, US 1.

D. H. Matthews, DBA, Matthews Truck Line. Certificate No. 57. Orders pertaining to certificate 58. Common Carrier Freight. From Miami to Florida City, Via Highway Fla. 4-A.

Overseas Transportation Co., Inc., 20 NW 2nd St., Miami, Fla. Certificate No. 146. Orders pertaining to certificate 578, 749, 816. Common Carrier Freight. From Miami to Key West, Via Highway Fla. 4-A.

Peters Truck Line, 186 West King Street, St. Augustine, Fla. Certificate No. 4. Orders pertaining to certificate 45, 383. Common Carrier Freight. From St. Augustine to Jacksonville, Via Highway Fla. 4, US 1.

Pittman Truck Line, Pensacola, Fla. Certificate No. 124. Orders pertaining to certificate 170, 207, 766. Common Carrier Freight. From Ga. Ala. Line to Pensacola, Via Highway Fla. 7, US 29-331; from Pensacola to River Junction, Via Highway Fla. 1, US 90.

Seaboard Airline Railway, Jacksonville, Fla. Certificate No. 183. Orders pertaining to certificate 590, 716, 777, 795, 818, 884. Common Carrier Freight in substitution rail service. Common Carrier Passengers, Baggage, Express and Mail. From Jacksonville to Baldwin, Via Highway Fla. 1, US 19; from Baldwin to Archer, Via Highway Fla. 13; from Archer to Morriston, Via Highway Fla. 5, Part US 19; from Waldo to Ocala, Via Highway Fla. 31; from Ocala to Wildwood, Fla., Via Highway Fla. 2; from Wildwood to Plant City, Via Highway Fla. 2-23; from Plant City to Tampa, Via Highway Fla. 23; from Tampa to Brooksville, Via Highway Fla. 5, US 41; from Tampa to Clearwater, Via Highway Fla. 17-73; from Clearwater to Jct. Fla. 15-210, Via Highway Fla. 15, US 19; from Jct. Fla. 15-210 to Jct. Fla. 210-5, Via Highway Fla. 210; from Drifton to Monticello, Via Highway Fla. 11; from Yulee to Fernandina, Via Highway Fla. 13.

St. Andrews Bay Transportation Co., Panama City, Fla. Certificate No. 56 and 138. Orders pertaining to certificate 121, 165, 355, 668, 778. Common Carrier Passengers, Baggage, Express and Freight. From Fla. Ala. Line to Panama City, Via Highway Fla. 6-20, US 231; from Jct. Fla. 6-20 to Marianna, Via Highway Fla. 6; from Marianna to Cottondale, Via Highway Fla. 1; from Panama City to Pensacola, Via Highway Fla. 10-53, Part US 98.

St. Johns River Line, Inc., Jacksonville, Fla. Certificate No. 80. Orders pertaining to certificate 82, 256, 316, 322, 418, 575, 602, 680, 706, 745. Common Carrier Freight. From Jacksonville to New Smyrna, Via Highway Fla. 4, US 1; from St. Augustine to Bunnell, Via Highway Fla. 189; from Daytona Beach to DeLand, Via Highway Fla. 21, US 92; from DeLand to DeLand Landing, Via Co. Roads; from DeLand to Orlando, Via Highway Fla. 3, US 92; from Astor to Ocala, Via Highway Fla. 19; from Astor to Ft. Mason, Via Highway Fla. 55; from Ocala to Orlando, Via Highway Fla. 2, US 441 (Via Eustis and Tarvares); from Leesburg to Groveland, Via Highway Fla. 22; from

Groveland to Orlando, Via Highway Fla. 22; from Orlando to Haines City, Via Highway Fla. 2, US 17-92; from Haines City to Tampa, Via Highway Fla. 17, US 92; from Plant City to Tampa, Via Highway Fla. 23; from Tampa to Sarosta, Via Highway Fla. 5, US 41; from Tampa to Bradenton, Via Highway Fla. 23, US 541; from Tampa to Lake Wales, Via Highway Fla. 79; from Lake Wales to Sebring, Via Highway Fla. 8; from Lake Alfred to Winter Haven, Via County Roads.

Star Truck Line, Tampa, Fla. Certificate No. 37. Orders pertaining to certificate 38, 179, 581, 689. Common Carrier Freight. From Sarasota to Bradenton, Via Highway Fla. 5, US 41; from Bradenton to Tampa, Via Highway Fla. 23, US 541; from Tampa to Haines City, Via Highway Fla. 17, US 92; from Tampa to Plant City, Via Highway Fla. 23; from Lakeland to Bartow, Via Highway Fla. 2; from Tampa to Bartow, Via Highway Fla. 79; from Auburndale to Dundee, Via County Roads; from Lake Wales to Haines City, Via Highway Fla. 8; from Haines City to Orlando, Via Highway Fla. 2, US 17-92; from Orlando to Mascotte, Via Highway Fla. 22; from Mascotte to Leesburg, Via Highway Fla. 2-W; from Leesburg to Orlando, Via Highway Fla. 2, US 441; from Travares to Clermont, Via Highway Fla. 55; from Ft. Mason to Umatilla, Via Highway Fla. 55; from Ocoee to Apopka, Via County Roads.

Tamiami Trail Tours, Inc., P. O. Box 1075, Tampa, Fla. Certificate No. 28. Orders pertaining to certificate 29, 194, 251, 262, 400, 446, 479. Common Carrier Freight, Passengers, Baggage, Express. From Tampa to Ft. Myers, Via Highway Fla. 5, US 41; from Ft. Myers to Miami, Via Highway Fla. 27, US 41-94; from Tampa to Bradenton, Via Highway Fla. 23, US 541; from St. Petersburg to Jct. Fla. 23, Via Highway Fla. 15-230 and Ferry; from Tampa to Plant City, Via Highway Fla. 17, US 92; from Plant City to Hopewell Via County Roads; from Hopewell to Bartow, Via Highway Fla. 79; from Mulberry to Ft. Meade, Via Highway Fla. 34-30; from Bartow to Punta Gorda, Via Highway Fla. 2, US 17; from Parrish to Jct. Fla. 2, Via Highway Fla. 32; from Arcadia to Childs, Via Highway Fla. 18; from Childs to Jct. Fla. 25, Via Highway Fla. 67; from Ft. Myers to Clewston, Via Highway Fla. 25; from LaBelle to Jct. Fla. 67, Via Highway Fla. 142; from Everglades to LaBelle, Via Highway Fla. 164; from Venice to Engelwood, Via Highway Fla. 311; from Englewood to Murdock, Via Highway Fla. 181; from Ft. Myers to Ft. Myers Beach, Via Highway Fla. 25; from Tampa to Ft. Myers, Via Highway Fla. 5, US 41; from Ft. Myers to Miami, Via Highway Fla. 27, US 41-94; from Everglades to Deep Lake, Via Highway Fla. 164; from Tampa to Bradenton, Via Highway

Fla. 23, US 541; from St. Petersburg to Jct. Fla. 23, Via Highway Fla. 15-230 and Ferry; from Tampa to Mulberry, Via Highway Fla. 79; from Mulberry to Lakeland, Via Highway Fla. 34; from Lakeland to Bartow, Via Highway Fla. 2; from Bartow to Arcadia, Via Highway Fla. 2, US 17; from Arcadia to Punta Gorda, Via Highway Fla. 86, US 17; from Ft. Myers to West Palm Beach (Leased to Glades K), Via Highway Fla. 25.

Tarpon Truck Line, Tarpon Springs, Fla. Certificate No. 148. Orders pertaining to certificate 171, 520. Common Carrier Freight. From Tarpon Springs to Palm Harbor, Via Highway Fla. 15, US 19; from Palm Harbor to Tampa Shores, Via County Roads; from Tampa Shores to Tampa, Via Highway Fla. 17.

Union Express Freight Co., N. W. Commerce and Comti Streets, Mobile, Ala. Certificate No. 94. Orders pertaining to certificate 97. Common Carrier Freight. From Pensacola to Fla. Ala. Line, Via Highway Fla. 1, US 90.

University City Transfer Co., Gainesville, Fla. Certificate No. 89. Orders pertaining to certificate 92, 172, 219, 579. Common Carrier Freight. From Jacksonville to Baldwin, Via Highway Fla. 1, US 90; from Baldwin to Cedar Key, Via Highway Fla. 13; from Gainesville to Jct. Fla. 19, Via Highway Fla. 14; from Jct. Fla. 19 to Williston, Via Highway Fla. 19, US 19; from Williston to Archer, Via Highway Fla. 5.

C. A. Walters, Elfers, Fla. Certificate No. 33. Orders pertaining to certificate 829. Common Carrier Freight. From Tampa to Odessa, Via County Roads; from Odessa to Elfers Via Highway Fla. 209; from Elfers to New Port Richey, Via Highway Fla. 15, US 19.

DIGEST OF APPLICATIONS FILED WITH THE RAILROAD COMMISSION 1936

	Granted	Denied or Dismissed
Applications for common carrier Certificate	1	2
Applications for contract carrier Certificate .....	.....	.....
Applications for extension of Certificate	5	3
Applications for transfer of Certificate	8	2
Applications for change schedule	4	.....
Applications for additional schedule	2	1
Citations for violations .....	.....	52
Certificates cancelled or revoked	2	.....

Certificates and Permits in effect:

Common Carrier Certificates	59
Contract Carrier Certificates	33
Household Goods and Special Freight Permits	87
Passenger Permits	115

Number of pieces of equipment listed with the Commission:

Contract	206
Common	489
Permit	582
Plates issued and cancelled	47

CONTRACT CARRIERS LIST

CONTRACT CARRIERS

JANUARY 1, 1936.

Name	Address
Blue's Truck Line	Live Oak, Florida
Burgess, Arthur S.	Ocala, Florida
Cox, Percy	597 N. W. 69th St., Miami, Florida
Cooper Truck Line	Route 5, Box 94, Jacksonville, Florida
Curran, D. J.	c/o A. & P. Tea Co., Jacksonville, Florida
Florida Highway Express Co.	Madison & Brush St., Tampa, Florida
Goodell Bros. Truck Line	Lake City, Florida
Green Transfer Company	1102 Ashley Street, Tampa, Florida
Gooding, J. M.	Woodbine, Ga.
Holstun & Sons	Ocala, Florida
James, Susie G.	Tampa, Florida
Kelly, J. J.	Orlando, Florida
National Convoy & Trucking Co.	1961 Clarkson St., Jacksonville, Florida
Lewis Trucking Co.	c/o Union Terminal Tampa, Florida

Newhall, John E.	Standard Oil Plant No. 1, Tampa, Florida
Nutt, Jno. P. Co.	P. O. Box 677, Jacksonville, Florida
Ridgeway Transfer Co., Inc.	Daytona Beach, Florida
Robinson Transfer	Orlando, Florida
Tropical Transfer Co.	349 E. Third St., Jacksonville, Florida
Terminal Transfer Co.	c/o A. & P. Tea Co., Jacksonville, Florida
Smith, E. S.	c/o A. & P. Tea Co., Jacksonville, Florida
Warehouse, Inc.	Tampa, Florida
Union Transfer & Stg.	Tampa, Florida

CERTIFICATE OF REGISTRATION

Interstate Only

Name	Address
Geo. F. Burnett Co., Inc.	1204 Prairie Ave., South Bend, Indiana
Continental Carriers, Inc.	215 Courtland St., N. E., Atlanta, Georgia
Dealers Transport Company	Chicago, Illinois
Ellis Moving Co., and Safe Van Line	235 Main St., Nashville, Tennessee
Fugate & Girton Driveway Co.	Brazil, Indiana
Harris Transfer & Whse. Co.	Birmingham, Alabama
Harold Transfer Co.	Birmingham, Alabama
Howard W. Juett	15 S. Erwin Street, Cartersville, Georgia
Kenosha Auto Transport Corp. I. E. Keal	Kenosha, Wisconsin 810 E. 82nd Street Cleveland, Ohio
Pan American Bus Lines	Charlotte, N. C.

Wm. F. Pendleton	Valdosta, Georgia
Hattie A. Quidley	Charleston, S. C.
R. C. Motor Lines	High Point, N. C.
The W. H. Tompkins Co.	902 Third Ave., North Nashville, Tennessee
William M. Thomas	Valdosta, Georgia
Truckaway Corporation	342 Raeburn Street Pontiac, Michigan

SPECIAL CERTIFICATED CARRIERS**SPECIAL PERMIT CARRIERS****HOUSEHOLD GOODS CARRIERS**

SC—Denotes Special Certif.

SP—Denotes Special Permit

H—Denotes Household Goods

Name	Address
H—Abb's Transfer & Service Co.	700 N. Conception St., Mobile, Alabama
H—Armstrong & Sons Stg. Co.	Daytona Beach, Florida
H—Albany Transfer Co.	1504 N. Jefferson St., Albany, Georgia
H—Aero Mayflower Transit Co.	1231 N. Meridian Ave., Indianapolis, Indiana
H—Arrow Transfer Co.	Tampa, Florida
H—Ace Transfer Co.	824 First Ave., North, St. Petersburg, Florida
H—Arnold & Son Transfer & Stg.	2600 W. Broadway Louisville, Ky.
H—W. L. Boyd Transfer	Panama City, Florida
H—Burnham Furniture Co.	1029 Broadway Columbus, Ga.
H—Burgess, Arthur S.	Ocala, Florida

H—Brandon Transfer & Stg. Co.	322 Sixth St., W. Palm Beach, Fla.
H—Branch, Harley T.	Orange City, Florida
H—Cruikshank Motor Truck Service	Jacksonville, Florida
H—C. & H. Transfer & Stg. Co.	Ft. Lauderdale, Fla.
H—City Transfer Co., Inc.	P. O. Box 2870, Tampa, Florida
H—Colliers Terminal Whse. & Van Co.	Ocala, Florida
SC—Coats Motor Transfer	Ft. Pierce, Florida
H—Central Transfer & Stg. Co.	St. Petersburg, Florida
H—Caldwell Bonded Warehouse, Inc.	101 12th St., Tampa, Florida
H—Chastain Transfer Co.	130 E. Jackson St., Thomasville, Ga.
H—Cordell, Henry Elmer	Sanford, Florida
SC—Dickenson, W. A. Tr. Co.	2335 N. Miami Ave., Miami, Florida
H—Dow, Maurice	Melbourne, Florida
H—Delcher Bros. Stg. & Whse. Co.	Jacksonville, Florida
H—DeLoach, S. L.	New Smyrna, Florida
H—Dothan, Transfer	Dothan, Alabama
H—Esthus, Arthur	Sarasota, Florida
H—Flash Express & Stg. Co., Inc.	251 N. W. 1st Court, Miami, Florida
H—Fidelity Storage & Warehouse Co.	53-61 W. Jackson St., Jacksonville, Florida
H—Ferris Warehouse & Stg. Co.	Pensacola, Florida
H—Fulford Van & Stg. Co.	21 W. Central Ave., Orlando, Florida

SP—Franklin, C. B. Transfer	Ft. Myers, Florida
SP—Gatlin, James Frank	520 W. Church St., Jacksonville, Florida
H—Grubb, Paul C.	Jacksonville, Florida
SP—Growers & Shippers Transfer	Pompano, Florida
H—Goodall Transfer & Stg. Co.	P. O. Box 459, Tampa, Florida
H—Green Transfer Co.	1102 Ashley St., Tampa, Florida
H—Howard Transfer Co.	229 Boone St., Orlando, Florida
H—Hudson Transfer	710 24th St., Columbus, Ga.
H—Haywood, Ben	1404½ Tampa St., Tampa, Florida
SP—Holstun, L. W.	Ocala, Florida
H—Holland Transfer Co.	1006 Webster St., Lakeland, Florida
H—Hill's Transfer	Tallahassee, Florida
SP—Hull, Roscoe	Ft. Lauderdale, Florida
H—House, Russell C. Tr. & Stg.	135 Auburn Ave., Atlanta, Georgia
H—Johnson, Bill, Transfer	710 Fifth Ave., North, St. Petersburg, Florida
H—Kite Transfer	440 W. Orange St., Gainesville, Florida
SC—Kennelly Transfer & Stg. Co.	734 Pippin St., Jacksonville, Florida
SC&H—Lee Terminal Ware- house	Box 1303, Tampa, Florida
SC&H—Leonard Brothers Tr. & Stg. Co.	1944 N. W. 7th Ave., Miami, Florida
H—Leach and Elder Storage Co.	Jacksonville, Florida

SC—McGhee, Will	118 S. Dakota Ave., Tampa, Florida
H—Malloy, L. W.	Valdosta, Georgia
SP&H—Prevatt, Charles	Ft. Myers, Florida
SP—Malone Horse Pullman Service	Coral Gables, Florida
SP&H—Ploof, H. C. Transfer	So. Jacksonville, Florida
SP—Railway Express Agency	Miami, Fla.
H—Ramsey, Owen	Palatka, Florida
H—Robinson Transfer	Orlando, Florida
H—Rapid Express Co.	73 Church St., Jacksonville, Florida
H—Saunders Tr. & Stg. Co.	129 8th Ave., N., Nashville, Tenn.
H—Shaw Furniture Transfer	1817 Liberty St., Jacksonville, Florida
H—Southern Transfer & Stg. Co., Inc.	1901 Fifth Ave., S., St. Petersburg, Florida
SP—Slauson, Albert E.	615 Brookhaven Dr., Orlando, Florida
H—Settle Moving, Packing & Stg., Co.	Louisville, Kentucky
H—Suddath Moving & Stg. Co.	315 E. Bay St., Jacksonville, Florida
H—Service Transfer	405 S. Poinsettia Ave., W. Palm Beach, Florida
H—Suddath Moving & Stg. Co.	1727 Grand Central Ave., Tampa, Florida
H—Sarasota Transfer & Stg. Co.	Sarasota, Florida
H—Terminal Van Lines	1105 Grand Central Ave., Tampa, Florida
H—Swiss Transfer Co.	852 Fourth Ave., South, St. Petersburg, Florida
H—Thompkins, M. E.	Lake City, Florida

H—Triangle Express	1447 Drexel Ave., Miami Beach, Florida
H—Union Transfer & Stg. Co.	1201 E. Twiggs St., Tampa, Florida
SP—Union Transfer & Stg. Co.	316 N. E. 14th St., Miami, Florida
H—Weathers Bros. Tr. & Stg. Co., Inc.	733 Blvd. N. E., Atlanta, Georgia
SC—White Star Line	413 W. Main St., Ocala, Florida
H—Weathers, Carey Tr. & Stg. Co.	Augusta, Georgia
SC&H—John E. Withers Transfer Co.	100 N. E. First St., Miami, Florida
H—John J. Woodside Stg. Co.	259 Edgewood, Atlanta, Georgia
H—Wimberly Tr. Co.	Valdosta, Georgia
H—Walker Warehouse, Inc.	521 Peachtrete, St., Atlanta, Georgia
H—Washington Stg. & Van Co.	Miami Beach, Florida
H—White, A. C. Tr. & Stg.	414 Edgewood Ave., Atlanta, Georgia
H—Yarnall Warehouse & Tr. Co.	Lakeland, Florida
H&SP—Zorn Transfer & Stg. Co.	Palatka, Florida

PERMITS GRANTED IN 1936

PERMIT NO. 262—Granting Passenger Permit to O. M. Hardage, DeLand, Florida, January 10, 1936.

PERMIT NO. 263—Granting Passenger Permit to Isabella Asendorf, Ormond Beach, Florida, January 11, 1936.

PERMIT NO. 264—Granting Passenger Permit to Mountain Lake Corp., Lake Wales, Florida, January 11, 1936.

PERMIT NO. 265—Granting Passenger Permit to Roy W. Bowen, Miami, Florida, January 11, 1936.

PERMIT NO. 266—Granting Household Goods, Interstate only, Permit to A. Arnold & Son Transfer & Stg. Co., Louisville, Kentucky, December 18, 1935.

PERMIT NO. 267—Granting Passenger Permit to John B. Baumgartner, St. Petersburg, Florida, January 16, 1936.

PERMIT NO. 268—Granting Passenger Permit to Thomas Horace Tedder, Lake Wales, Florida, January 16, 1936.

PERMIT NO. 269—Granting Passenger Permit to Cecil F. Maus, Sarasota, Florida, January 16, 1936.

PERMIT NO. 270—Granting Passenger Permit to Earl F. Farr, Miami Beach, Florida, January 16, 1936.

PERMIT NO. 271—Granting Passenger Permit to J. O. Miller Cab Co., St. Augustine, Florida, January 21, 1936.

PERMIT NO. 272—Granting Passenger Permit to Harry Fulford, Miami Beach, Florida, January 21, 1936.

PERMIT NO. 273—Granting Passenger Permit to Fernando Cabeza, Miami, Florida.

PERMIT NO. 274—Granting Passenger Permit to City Transportation Service, Inc., Coral Gables, Florida, January 21, 1936.

PERMIT NO. 275—Granting Passenger Permit to Mrs. Dolly Favor, Winter Park, Florida, February 1, 1936.

PERMIT NO. 276—Granting Passenger Permit to William A. Eskriggs, Hollywood, Florida, February 1, 1936.

PERMIT NO. 277—Granting Household Goods Permit, Interstate only, to Dothan Transfer Co., Dothan, Alabama, February 1, 1936.

PERMIT NO. 278—Granting Passenger Permit to Slacks Garage, Hollywood, Florida, February 1, 1936.

PERMIT NO. 279—Granting Passenger Permit to Thad Thompson, doing business as Tri City Cab Co., Bradenton, Florida, February 1, 1936.

PERMIT NO. 280—Granting Passenger Permit to Theodoore Spagnoli, Hollywood, Florida, February 1, 1936.

PERMIT NO. 281—Granting Passenger Permit to Clyde Holder, Miami Beach, Florida, February 13, 1936.

PERMIT NO. 281—Granting Passenger Permit to Liona Virginia Odell, Mt. Dora, Florida, February 14, 1936.

PERMIT NO. 283—Granting permit to Herman Lustgarten, Miami Beach, Florida, February 15, 1936.

PERMIT NO. 284—Granting Permit to L. W. Holstun, Ocala, Florida, to transport machinery, structural steel and other heavy materials incident to and used in connection with construction of the Florida Cross State Canal and bridges across same, to and from rail and truck carrier stations in the immediate vicinity of the construction projects on the canal.

PERMIT NO. 285—Granting Passenger Permit to Stewart A. Stevens, Winter Park, Florida, February 25, 1936.

PERMIT NO. 286—Granting Passenger Permit to William Ellis Connell, Manatee, Florida, February 25, 1936.

PERMIT NO. 287—Granting Passenger Permit to Leon Rapaport, Miami, Florida, February 25, 1936.

PERMIT NO. 288—Granting Passenger Permit to Sall Singer, Miami Beach, Florida, February 25, 1936.

PERMIT NO. 289—Granting Passenger Permit to J. M. Walrad, Palm Beach, Florida, February 25, 1936.

PERMIT NO. 290—Granting Passenger Permit to Bledsoe's Service, Winter Park, Florida, February 27, 1936.

PERMIT NO. 291—Granting Household Goods Permit to McGee's Safety Transfer Service, Tampa, Florida, March 4, 1936.

PERMIT NO. 292—Granting Passenger Permit to F. R. Barenblatt, Miami Beach, Florida, March 4, 1936.

PERMIT NO. 293—Granting Permit to Sanders Transfer & Storage Co., Nashville, Tenn., to transport household goods, interstate only, March 10, 1936.

PERMIT NO. 294—Granting Passenger Permit to Ilda O'Neal, Clearwater, Florida, March 19, 1936.

PERMIT NO. 295—Granting Passenger Permit to Kay Youngblood, Clearwater, Florida, March 19, 1936.

PERMIT NO. 296—Granting Passenger Permit to William Fletcher d/b as Haven Taxi Service, Winter Haven, Florida, March 19, 1936.

PERMIT NO. 297—Granting Permit to Transport Passengers to Burroughs Taxi Co., Bartow, Florida, March 19, 1936.

PERMIT NO. 298—Granting Household Goods Permit to Weathers Bros. Transfer Co., Inc., Miami, Florida, March 31, 1936.

PERMIT NO. 299—Granting Household Goods Permit to Wimberly Transfer, Valdosta, Georgia, April 23, 1936.

PERMIT NO. 300—Granting Household Goods, Interstate only, to L. W. Malloy, Valdosta, Georgia, April 25, 1936.

PERMIT NO. 301—Granting Household Goods, Interstate only, to Russell C. House Transfer & Stg., Atlanta, Georgia.

Permit NO. 301A—Granting Household Goods Permit to Flash Express & Storage Co., Inc., March 20, 1936.

PERMIT NO. 302—Granting Household Goods Permit, Interstate only, to Settle Moving Packing & Storage Co., Louisville, Ky., June 4, 1936.

PERMIT NO. 303—Granting Household Goods Permit, Interstate only, to Carey F. Weathers Transfer & Stg., Co., Augusta, Georgia, June 4, 1936.

PERMIT NO. 304—Granting Household Goods Permit to E. E. Robinson, Orlando, Florida, July 22, 1936.

PERMIT NO. 305—Granting Passenger Permit to William Brown, Miami, Florida, July 22, 1936.

PERMIT NO. 306—Granting Household Goods Permit, Interstate only, to A. C. White Transfer & Stg. Co., Atlanta, Georgia, July 22, 1936.

PERMIT NO. 307—Granting Household Goods Permit to Triangle Express Co., Miami Beach, Florida, Sept. 14, 1936.

PERMIT NO. 308—Granting Passenger Permit to Charles Prevatt, Ft. Myers, Florida, August 19, 1936.

PERMIT NO. 309—Granting Household Goods Permit to W. L. Boyd Transfer Co., November 14, 1936.

PERMIT NO. 310—Granting Household Goods Permit to Howard Transfer Company, Orlando, Florida, December 2, 1936.

PERMIT NO. 311—Granting Household Goods Permit to Coats Motor Transfer Co., December 8, 1936.

PERMIT NO. 312—Granting Passenger Permit to Mrs. Annie E. Silver, Bradenton, Florida, December 8, 1936.

PERMIT NO. 313—Granting Passenger Permit to Walter H Saylor, St. Petersburg, Florida, December 8, 1936.

PERMIT NO. 314—Granting Passenger Permit to William J. Black, W. Palm Beach, Florida, December 8, 1936.

PERMIT NO. 315—Granting Passenger Permit to Percy F. Palmer, St. Petersburg, Florida, December 8, 1936.

PERMIT NO. 316—Granting Permit to Railway Express Agency, Miami, Florida, to transport race horses between Tropical Park Race Track and Hialeah Park Race Track. This a temporary permit. December 10, 1936.

PERMIT NO. 317—Granting Permit to Malone Horse Pullman Service, Coral Gables, Florida, to transport race horses between Tropical Park Race Track and Hialeah Park Race Track. (Temporary permit) December 10, 1936.

PERMIT NO. 318—Granting Passenger Permit to Royal Palm Sightseeing Co., Miami, Florida, December 11, 1936.

ORDERS ISSUED CANCELLING PERMITS 1936

ORDER NO. C-135—Cancelling Permit to transport household goods to Charles Prevatt, Ft. Myers, Florida, August 19, 1936.

ORDER NO. C-136—Cancelling Permit to transport passengers to Mr. Kay Youngblood, Clearwater, Florida, May 1, 1936.

ORDER NO. C-137—Cancelling permit issued to Ball U-Drive Service, Inc., Jacksonville, Florida, to transport passenger, May 30, 1936.

ORDER NO. C-138—Cancelling Permit issued to R. M. Shelton, Lake Wales, Florida, to transport passengers, April 1, 1936.

ORDER NO. C-139—Cancelling Permit issued to City Drive-urself Company, Jacksonville, Florida, June 3, 1936.

ORDER NO. C-140—Cancelling Permit issued to Thad O. Thompson, Bradenton, Florida, to transport passengers, April 27, 1936.

ORDER NO. C-141—Cancelling Permit issued to Leon Rappa port, Miami, Florida, May 1, 1936.

ORDER NO. C-142—Cancelling Permit issued to Mrs. May W Johnson, St. Augustine, Florida, May 7, 1936.

ORDER NO. C-143—Cancelling Permit issued to Mrs. Isabella Asendorf, Ormond Beach, Florida, April 4, 1936.

ORDER NO. C-144—Cancelling Permit issued to Mrs. Dolly Favor, Winter Park, Florida, April 30, 1936.

ORDER NO. C-145—Cancelling Permit issued to Mr. Louis Raidman, Miami, Florida, May 1, 1936.

ORDER NO. C-146—Cancelling Permit issued to Harold B. Wylly, Miami Beach, Florida, July 31, 1936.

ORDER NO. C-147—Cancelling Permit issued to Herman Lustgarten, St. Petersburg, Florida, July 28, 1936.

ORDER NO. C-148—Cancelling Permit issued to McGhee's Safety Transfer Service, Tampa, Florida, July 18, 1936.

ORDER NO. C-149—Cancelling Permit issued to Clyde Holder, Miami Beach, Florida, May 28, 1936.

ORDER NO. C-150—Cancelling Permit issued to Thomas N. Costea, St. Petersburg, Florida, August 18, 1936.

ORDER NO. C-151—Cancelling Permit issued to King's You Drive It Company, Inc., Gainesville, Florida, July 1, 1936.

ORDER NO. C-152—Cancelling Permit issued to Seward W. Wetmore, Delray Beach, Florida, December 7, 1936.

ORDER NO. C-153—Cancelling Permit issued to Charles E. Wilcox, Hollywood, Florida, April 1, 1936.

ORDER NO. C-154—Cancelling Permit issued to Arthur Lee Anderson, W. Palm Beach, Florida, October 30, 1936.

ORDER NO. C-155—Cancelling Permit issued to Daytona Motor Company, Daytona Beach, Florida, September 15, 1936.

ORDER NO. C-156—Cancelling Permit issued to David Greenfield, Miami, Florida, February 2, 1936.

ORDER NO. C-157—Cancelling Permit issued to Economy Taxi, Tallahassee, Florida, October 10, 1935.

ORDER NO. C-158—Cancelling Permit issued to Ernest Reynolds, Hollywood, Florida, February 1, 1936.

ORDER NO. C-159—Cancelling Permit issued to Hertz Drive-it-yourself System of Florida, June 4, 1936.

ORDER NO. C-160—Cancelling Permit issued to Slack's Garage, Hollywood, Florida, February 24, 1936.

MOTOR TRANSPORTATION ORDERS**ORDER NO. 840,****DOCKET NO. 292.****BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA**

IN RE: CITATION OF THOS. N. COSTEA, OF ST. PETERSBURG, FLORIDA, FOR VIOLATION OF THE RULES AND REGULATIONS OF THE RAILROAD COMMISSION, AND LAWS OF THE STATE OF FLORIDA, IN OPERATING UNDER "FOR HIRE" PERMIT AND ADVERTISING SIGHT-SEEING TOURS OVER DEFINITE ROUTES OR BETWEEN FIXED TERMINI IN RECURRING CARRIAGE.

1. Pursuant to Citation issued in above entitled cause the 3rd day of February, 1936, this matter came on for hearing before the Railroad Commission of the State of Florida at the Angebilt Hotel, Orlando, Florida, on the 12th day of February, A.D., 1936 at 2 o'clock P. M.

Chairman W. B. Douglass having been delegated by the Commission to conduct the hearing and receive the testimony and proofs of the respective parties, Mr. Douglass held the hearing at the appointed place and time.

Erle B. Askew, Esq., Attorney at Law of St. Petersburg, appeared for the complaining witness, W. A. McIntyre; Chas. A. Robinson of Robinson & Smith, Attorneys at Law, St. Petersburg, Florida, appeared for the respondent, Thos. N. Costea;

Claude Ogilvie, Assistant Counsel, appeared for the Railroad Commission.

2. It appears from the testimony introduced at the hearing that the respondent, Thomas N. Costea, is authorized to operate in the State of Florida by two "For Hire" Permits from the Railroad Commission, the same being numbered 11 and 56 respectively. It further appears from the testimony that the respondent, Thomas N. Costea, has been advertising and soliciting business, both directly and indirectly, circle sightseeing tours extending through several counties in South Florida, over definite routes at fixed rates. It appears to the Commission that in particular Mr. Costea has systemically, both directly and indirectly, advertised a "Three day, all expense, circle trip in South Florida from St. Petersburg touching or visiting Sarasota, Miami, Palm Beach and the Bok 'Singing' Tower at Lake Wales," at the fixed rate of \$29.50.

Upon this record the Commission finds:

- (a) That the respondent, Thomas N. Costea, has been guilty of operating under a "For Hire" Permit and advertising and soliciting business, both directly and indirectly, for a three day circle, all expense, trip from St. Petersburg visiting Sarasota, Miami, Palm Beach and Bok "Singing" Tower for \$29.50.

It is, therefore, CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that you, Thomas N. Costea be, and are hereby, fined in the sum of One Hundred Dollars (\$100.00) for the said violation of the rules of the Commission and the laws of the State of Florida.

It is further ORDERED that your said fine in the sum of \$100.00 be and the same is hereby SUSPENDED during your future operations under your "For Hire" Permit in accordance with the rules and regulations of the Railroad Commission and the laws of the State of Florida.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 26th day of February, 1936.

ORDER NO. 841,

DOCKET NO. 152.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: CITATION OF HENRY A. COOK OF ST. PETERSBURG, FLORIDA, FOR VIOLATION OF THE RULES AND REGULATIONS OF THE RAILROAD COMMISSION, AND LAWS OF THE STATE OF FLORIDA, IN OPERATING UNDER "FOR HIRE" PERMIT AND ADVERTISING SIGHT-SEEING TOURS OVER DEFINITE ROUTES OR BETWEEN FIXED TERMINI IN RECURRING CARRIAGE.

1. Pursuant to Citation issued in above entitled cause the 3d day of February, 1936, this matter came on for hearing before the Railroad Commission of the State of Florida at the Angebilt Hotel, Orlando, Florida, on the 12th day of February, A.D., 1936, at 2 o'clock P. M.

Chairman W. B. Douglass having been delegated by the Commission to conduct the hearing and receive the testimony and

proofs of the respective parties, Mr. Douglass held the hearing at the appointed place and time.

Erle B. Askew, Esq., Attorney at Law of St. Petersburg, appeared for the complaining witness, W. A. McIntyre;

Chas. A. Robinson of Robinson & Smith, Attorneys at Law, St. Petersburg, Florida, appeared for the respondent, Henry A. Cook;

Claude Ogilvie, Assistant Counsel, appeared for the Railroad Commission.

2. It appears from the testimony introduced at the hearing that the respondent, Henry A. Cook, is authorized to operate in the State of Florida by a "For Hire" Permit from the Railroad Commission, the same being No. 103. It further appears from the testimony that the respondent, Henry A. Cook, has advertised and solicited business for sightseeing tours from St. Petersburg, said advertising expressly naming Bok Tower, Sarasota, Tarpon Springs, Miami and Palm Beach; said advertising being accomplished by the display of a sign from the respondent's "For Hire" car.

It is, therefore, CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that you, Henry A. Cook, desist from future advertising of sightseeing tours over definite routes or at fixed rates.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 26th day of February, 1936.

ORDER NO. 842.

DOCKET NO. 127.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: CITATION OF ORRIN N. NIMMONS OF ST. PETERSBURG, FLORIDA, FOR VIOLATION OF THE RULES AND REGULATIONS OF THE RAILROAD COMMISSION, AND LAWS OF THE STATE OF FLORIDA, IN OPERATING UNDER "FOR HIRE" PERMIT AND ADVERTISING SIGHT-SEEING TOURS OVER DEFINITE ROUTES OR BETWEEN FIXED TERMINI IN RECURRING CARRIAGE.

1. Pursuant to Citation issued in above entitled cause the 3d day of February, 1936, this matter came on for hearing before the Railroad Commission of the State of Florida at the Angebilt Hotel, Orlando, Florida, on the 12th day of February, A.D., 1936, at 2 o'clock P. M.

Chairman W. B. Douglass having been delegated by the Commission to conduct the hearing and receive the testimony and proofs of the respective parties, Mr. Douglass held the hearing at the appointed place and time.

Erle B. Askew, Esq., Attorney at Law of St. Petersburg, appeared for the complaining witness, W. A. McIntyre; Chas. A. Robinson of Robinson & Smith, Attorneys at Law, St. Petersburg, Florida, appeared for the respondent, Orrin N. Nimmons;

Claude Ogilvie, Assistant Counsel, appeared for the Railroad Commission.

2. It appears from the testimony introduced at the hearing that the respondent, Orrin N. Nimmons, is authorized to operate in the State of Florida by a "For Hire" Permit from the Railroad Commission, the same being No. 74. It further appears from the testimony that the respondent, Orrin N. Nimmons, has advertised and solicited business for sightseeing tours from St. Petersburg, said advertising expressly naming Bok Tower, Sarasota, Tarpon Springs, Miami and Palm Beach; said advertising being accomplished by the display of a sign from the respondent's "For Hire" car.

It is, therefore, CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that you, Orrin N. Nimmons, desist from future advertising of sightseeing tours over definite routes or at fixed rates.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 26th day of February, 1936.

ORDER NO. 843,

DOCKET NO. 100-108

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: FAILURE OF TERMINAL TRANSFER COMPANY
TO PAY MILEAGE TAX AND FILE REPORT WITH THE
COMPTROLLER FOR THE MONTHS OF NOVEMBER AND
DECEMBER, 1935.

On the 30th day of January, 1936, the Railroad Commission of the State of Florida issued its Citation to the Terminal Transfer Company, Tampa, Florida, charging it with a wilful violation of Section 16 of Chapter 14764 Laws of Florida, 1931, in failing to pay the mileage tax and file report with the Comptroller showing the mileage made for the months of November and December, 1935; and

In compliance with said Citation the Railroad Commission heard said matter on the 10th day of February, 1936, at Orlando, Florida.

At said hearing H. W. Scramlin appeared for the respondent and Claude Ogilvie, Assistant Counsel, appeared for the Railroad Commission.

From the record and the evidence adduced at said hearing, and said Commission being fully advised in the premises, it finds as follows:

- (1) That said Terminal Transfer Company, Tampa, Florida, was given due and timely notice of the charges contained in said Citation; that said H. W. Scramlin appeared for the respondent; and said cause having been fully heard said Terminal Transfer Company is found guilty of failure to report the mileage made by it over the highways of the State of Florida during the months of November and December, 1935, and to pay the mileage tax to the Comptroller of the State of Florida for such operation covering the months of November and December, 1935, as required by Section 16, of Chapter 14764, Laws of Florida.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that Terminal Transfer Company, operating under Certificate No. 151, has incurred penalties for said violations which penalties are hereby fixed as follows:

- (1) REVOCATION OF CERTIFICATE NO. 151 HERETOFORE ISSUED TO TERMINAL TRANSFER COMPANY.
- (2) PAYMENT TO THE STATE TREASURER OF TALLAHASSEE, FLA., THE SUM OF FIFTY DOLLARS (\$50.00) AS A FINE.

It is further CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that payment by said Terminal Transfer Company of the sum of \$50.00 imposed within as a fine will be accepted as full satisfaction of all penalties herein fixed; and upon a proper showing that the said sum of \$50.00 has been paid as required herein, said Terminal Transfer Company will be permitted to continue its operations under said Certificate No. 151.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 26th day of February, 1936.

ORDER NO. 844,

DOCKET NO. 100-10.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: FAILURE OF ST. JOHNS RIVER LINE COMPANY TO PAY MILEAGE TAX AND FILE REPORT WITH THE COMPTROLLER FOR THE MONTHS OF NOVEMBER AND DECEMBER, 1935.

On the 30th day of January, 1936, the Railroad Commission of the State of Florida issued its Citation to the St. Johns River Line Company, Jacksonville, Fla., charging it with a wilful violation of Section 16 of Chapter 14764, Laws of Florida 1931, in failing to pay the mileage tax and file report with the Comptroller showing the mileage made for the months of November and December, 1935; and

In compliance with said Citation the Railroad Commission heard said matter on the 10th of February, 1936, at Orlando, Florida.

At said hearing J. K. Tresher represented the respondent and Claude Ogilvie, Assistant Counsel, represented the Railroad Commission.

From the record and the evidence adduced at said hearing, and said Commission being fully advised in the premises, it finds as follows:

- (1) That said St. Johns River Line Company, Jacksonville, Florida, was given due and timely notice of the charges contained in said Citation; that said J. K. Tresher appeared or the respondent; and said cause having been fully heard said St. Johns River Line Company is found guilty of failure to report the mileage made by it over the highways of the State of Florida during the months of November and December, 1935, and to pay the mileage tax to the Comptroller of the State of Florida for such operation covering the months of November and December, 1935, as required by Section 16 of Chapter 14764, Laws of Florida.

Wherefore, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that St. Johns River Line Company, operating under Certificate No. 80, has incurred penalties for said violations which penalties are hereby fixed as follows:

- (1) REVOCATION OF CERTIFICATE NO. 80 HERETOFORE ISSUED TO ST. JOHNS RIVER LINE COMPANY.
- (2) PAYMENT TO THE STATE TREASURER OF TALLAHASSEE, FLORIDA, THE SUM OF FIFTY DOLLARS (\$50.00) AS A FINE.

It is further CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that payment by said St. Johns River Line Company of the sum of \$50.00 imposed within as a fine will be accepted as full satisfaction of all penalties herein fixed, and upon a proper showing that the said sum of \$50.00 has been paid as required herein, said St. Johns River Line Company will be permitted to continue its operation under Certificate No. 80.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 26th day of February, 1936.

ORDER NO. 845,

DOCKET NO. 193.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: FAILURE OF ROBINSON'S TRANSFER TO PAY
MILEAGE TAX AND FILE REPORT WITH THE COMP-
TROLLER FOR THE MONTHS OF NOVEMBER AND DE-
CEMBER, 1935.

On the 30th day of January, 1936, the Railroad Commission of the State of Florida issued its Citation to the Robinson's Transfer, Orlando, Florida, charging it with a wilful violation of Section 16 of Chapter 14764, Laws of Florida 1931, in failing to pay the mileage tax and file report with the Comptroller showing the mileage made for the months of November and December, 1935; and

In compliance with said Citation the Railroad Commission heard the said matter on the 10th day of February, 1936, at Orlando, Florida.

At said hearing E. E. Robinson, operating under the trade name of Robinson's Transfer, appeared in person. Claude Ogilvie, Assistant Counsel, represented the Railroad Commission.

From the record and the evidence adduced at said hearing, and said Commission being fully advised in the premises, it finds as follows:

- (1) That said Robinson's Transfer, Orlando, Fla., was given due and timely notice of the charges contained in said Citation; that said E. E. Robinson appeared for the respondent; and said cause having been fully heard said Robinson's Transfer is found guilty of failure to report the mileage made by it over the highways of the State of Florida during the months of November and December, 1935, and to pay the mileage tax to the Comptroller of the State of Florida for such operation covering the months of November and December, 1935, as required by Section 16 of Chapter 14764, Laws of Florida.

Wherefore, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that Robinson's Transfer, operating under Certificate No. 156, has incurred penalties for said violation which penalties are hereby fixed as follows:

- (1) REVOCATION OF CERTIFICATE NO. 156 HERETOFORE ISSUED TO ROBINSON'S TRANSFER.
- (2) PAYMENT TO THE STATE TREASURER OF TALLAHASSEE, FLORIDA, THE SUM OF FIFTY DOLLARS (\$50.00) AS A FINE.

It is FURTHER CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that payment by said Robinson's Transfer of the sum of \$50.00 imposed herein as a fine will be accepted as full satisfaction of all penalties herein fixed, and upon a proper showing that the said sum of \$50.00 has been paid as required herein, said Robinson's Transfer will be permitted to continue its operations under Certificate No. 156.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 26th day of February, 1936.

ORDER NO. 846.

DOCKET NO. 100-127.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: FAILURE OF GRIFFIS TRUCK LINE TO PAY MILEAGE TAX AND FILE REPORT WITH THE COMPTROLLER FOR THE MONTHS OF NOVEMBER AND DECEMBER, 1935.

On the 30th day of January, 1936, the Railroad Commission of the State of Florida issued its Citation to the GRIFFIS TRUCK LINE, Wauchula, Florida, charging it with a wilful violation of Section 16 of Chapter 14764, Laws of Florida 1931, in failing to pay the mileage tax and file report with the Comptroller showing the mileage made for the months of November and December, 1935; and

In compliance with said Citation the Railroad Commission heard the said matter on the 10th day of February, 1936, at Orlando, Florida.

At said hearing no one appeared for the respondent. Claude Ogilvie, Assistant Counsel, appeared for the Railroad Commission.

From the record and the evidence adduced at said hearing, and said Commission being fully advised in the premises, it finds as follows:

- (1) That said Griffis Truck Line, Wauchula, Fla., was given due and timely notice of the charges contained in said Citation; that said respondent was not represented at the hearing; and said cause having been fully heard said Griffis Truck Line is found guilty of failure to report the mileage made by it over the highways of the State of Florida during the months of November and December, 1935, and to pay the mileage tax to the Comptroller of the State of Florida for such operation covering the months of November and December, 1935, as required by Section 16 of Chapter 14764, Laws of Florida.

Wherefore, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that Griffis Truck Line, operating under Certificate No. 103, has incurred penalties for said violations which penalties are hereby fixed as follows:

- (1) REVOCATION OF CERTIFICATE NO. 103 HERETOFORE ISSUED TO GRIFFIS TRUCK LINE.
- (2) PAYMENT TO THE STATE TREASURER OF TALLAHASSEE, FLORIDA, THE SUM OF FIFTY DOLLARS (\$50.00) AS A FINE.

It is further CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that payment by said Griffis Truck Line of the sum of \$50.00 imposed herein as a fine will be accepted as full satisfaction of all penalties herein fixed, and upon a proper showing that the said sum of \$50.00 has been paid as required herein, said Griffis Truck Line will be permitted to continue its operations under Certificate No. 103.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 26th day of February, 1936.

ORDER NO. 847,

DOCKET NO. 100-65.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: FAILURE OF BENTON BROTHERS TRANSFER COMPANY TO PAY MILEAGE TAX AND FILE REPORT WITH THE COMPTROLLER FOR THE MONTHS OF OCTOBER, NOVEMBER AND DECEMBER, 1935.

On the 30th day of January, 1936, the Railroad Commission of the State of Florida issued its Citation to BENTON BROTHERS TRANSFER COMPANY, Jacksonville, Fla., charging it with a wilful violation of Section 16 of Chapter 14764, Laws of Florida 1931, in failing to pay the mileage tax and file report with the Comptroller showing the mileage made for the months of October, November and December, 1935; and

In compliance with said Citation the Railroad Commission heard the said matter on the 10th day of February, 1936, at Orlando, Florida.

At said hearing no one appeared for the respondent. Claude Ogilvie, Assistant Counsel, appeared for the Railroad Commission.

From the record and the evidence adduced at said hearing, and said Commission being fully advised in the premises, it finds as follows:

- (1) That said Benton Brothers Transfer Company, Jacksonville, Florida, was given due and timely notice of the charges contained in said Citation; that said respondent was not represented at the hearing; and said cause having been fully heard said Benton Brothers Transfer Company is found guilty of failure to report the mileage made by it over the highways of the State of Florida during the months of October, November and December, 1935, and to pay the mileage tax to the Comptroller of the State of Florida for such operation covering the months of October, November and December, 1935, as required by Section 16 of Chapter 14764, Laws of Florida.

Wherefore, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that Benton Brothers Transfer Company, operating under Certificate No. 92,

has incurred penalties for said violations, which penalties are hereby fixed as follows:

- (1) REVOCATION OF CERTIFICATE NO. 92, HERETOFORE ISSUED TO BENTON BROTHERS TRANSFER COMPANY.
- (2) PAYMENT TO THE STATE TREASURER OF TALLAHASSEE, FLORIDA, THE SUM OF FIFTY DOLLARS (\$50.00) AS A FINE.

It is further CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that payment by said BENTON BROTHERS TRANSFER COMPANY of the sum of \$50.00 imposed herein as a fine will be accepted as full satisfaction of all penalties herein fixed, and upon a proper showing that the said sum of \$50.00 has been paid as required herein, said Benton Brothers Transfer Company will be permitted to continue its operation under Certificate No. 92.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 26th day of February, 1936.

ORDER NO. 848,

DOCKET NO. 326.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: FAILURE OF BAINBRIDGE-COLUMBUS MOTOR LINES TO PAY MILEAGE TAX AND FILE REPORT WITH THE COMPTROLLER FOR THE MONTHS OF NOVEMBER AND DECEMBER, 1935.

On the 30th day of January, 1936, the Railroad Commission of the State of Florida issued its Citation to Bainbridge-Columbus Motor Lines, Bainbridge, Georgia, charging it with a wilful violation of Section 16 of Chapter 14764, Laws of Florida 1931, in failing to pay the mileage tax and file report with the Comptroller showing the mileage made for the months of November and December, 1935; and

In compliance with said Citation the Railroad Commission heard the said matter on the 10th day of February, 1936, at Orlando, Florida.

At said hearing no one appeared for the respondent. Claude Ogilvie, Assistant Counsel, appeared for the Railroad Commission.

From the record and the evidence adduced at said hearing, and said Commission being fully advised in the premises, it finds as follows:

- (1) That said Bainbridge-Columbus Motor Lines, Bainbridge, Georgia, was given due and timely notice of the charges contained in said Citation; that said respondent was not represented at the hearing; and said cause having been fully heard said Bainbridge-Columbus Motor Lines is found guilty of failure to report the mileage made by it over the highways of the State of Florida during the months of November and December, 1935, and to pay the mileage tax to the Comptroller of the State of Florida for such operation covering the months of November and December, 1935, as required by Section 16 of Chapter 14764, Laws of Florida.

Wherefore, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that Bainbridge-Columbus Motor Lines, operating under Certificate No. 194, has incurred penalties for said violations, which penalties are hereby fixed as follows:

- (1) REVOCATION OF CERTIFICATE NO. 194, HERETOFORE ISSUED TO BAINBRIDGE-COLUMBUS MOTOR LINES.
- (2) PAYMENT TO THE STATE TREASURER OF TALLAHASSEE, FLORIDA, THE SUM OF FIFTY DOLLARS (\$50.00) AS A FINE.

It is further CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that payment by said BAINBRIDGE-COLUMBUS MOTOR LINES of the sum of \$50.00 imposed herein as a fine will be accepted as full satisfaction of all penalties herein fixed, and upon a proper showing that the said sum of \$50.00 has been paid as required herein, said Bainbridge-Columbus Motor Lines will be permitted to continue its operations under Certificate No. 194.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 26th day of February, 1936.

ORDER NO. 849,

DOCKET NO. 100-27.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: COMPLAINT AGAINST D. B. GRIFFIS, OPERATING
AS GRIFFIS TRUCK LINE, FOR FAILURE TO REMIT C.
O. D. COLLECTIONS IN VIOLATION OF THE LAW, AND
RULES OF THIS COMMISSION, AND OF THE TERMS AND
CONDITIONS OF CERTIFICATE NO. 103.

This cause coming on to be heard on formal Citation heretofore entered, and upon the record in the case; said hearing being held in Orlando, Florida, on February 10, 1936, pursuant to said Citation duly made and served on the respondent; and the Commission being fully advised in the premises; and the respondent not appearing and answering or offering any testimony in defense to said Citation against him: the Commission finds the following:

"That on December 19, 1935, the respondent operating as Griffis Truck Line under Certificate No. 103, received at Tampa, Fla., from J. J. Lister Furniture Co., consigned to one A. F. Cosey, Wauchula, Florida, a C. O. D. consignment in the amount of \$90.00;

And further that the said D. B. Griffis, operating as Griffis Truck Line, delivered the said C. O. D. shipment to the consignee, A. F. Cosey, at Wauchula, Fla., on or about December 19, 1935, and in due course collected therefor said C. O. D. item of \$90.00 in cash; and that D. B. Griffis, operating as Griffis Truck Line, failed to remit same according to law;

And the Commission further finds that neither the respondent, D. B. Griffis, operating as Griffis Truck Line, nor the consignee, nor the consignor, appeared at said hearing and advised the Commission that said C. O. D. remittance had been duly made; and the Commission has not yet been advised in writing by either of the parties that said C. O. D. payment has been made.

And the Commission further finds that there is no legal evidence before it that said C. O. D. remittance has been made by the respondent to the consignor herein; and that if such remittance has been made same was made after the issuance and service of the Citation herein upon the respondent, long after such payment should have been made in due course and in accordance with

the law and the rules of this Commission relative to C. O. D. items.

Therefore, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that D. B. Griffis, operating as Griffis Truck Line, under Certificate No. 103, has incurred penalties for said violations which penalties are hereby fixed as follows:

- (1) REVOCATION OF CERTIFICATE NO. 103 HERETOFORE ISSUED TO D. B. GRIFFIS, OPERATING AS GRIFFIS TRUCK LINE.
- (2) PAYMENT TO THE STATE TREASURER AT TALLAHASSEE, FLORIDA, THE SUM OF FIFTY DOLLARS (\$50.00) AS A FINE.

It is further CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that payment by said D. B. Griffis, operating as Griffis Truck Line, of the sum of \$50.00 imposed herein as a fine will be accepted as full satisfaction of all penalties herein fixed, and upon a proper showing that the said sum of \$50.00 has been paid as required herein said D. B. Griffis, operating as Griffis Truck Line, will be permitted to continue his operations under Certificate No. 103.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 26th day of February, 1936.

ORDER NO. 850,

DOCKET NO. 270.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: FAILURE OF MONTCALM PULASKI WATSON, DOING BUSINESS AS WEST COAST TRANSFER COMPANY, TO FILE ANNUAL REPORT FOR THE YEAR 1935, AND FOR ABANDONMENT OF SAID OPERATION FOR A PERIOD OF MORE THAN NINETY DAYS.

Citation and rule to show cause was issued against Montcalm Pulaski Watson, doing business as West Coast Transfer Company, dated January 30, 1936, requiring him to be and appear before the Railroad Commission on February 10, 1936, at 10 o'clock A. M., at the Angebilt Hotel, Orlando, Florida, to show cause why his Certificate of Public Convenience and Necessity

No. 189 should not be revoked for one or both of the following reasons:

1. For failure to file Annual Report as required by law and the rules of the Commission covering operations during 1935;

2. For abandonment of said operation for a period of more than ninety days next preceding the issuance of said Citation.

The matter was called at the appointed time and place by the Railroad Commission for hearing. The respondent did not appear either in person or by a representative.

C. J. Cunn of Gainesville, Florida, was heard as a witness in behalf of the Railroad Commission.

From the record in the case the Commission finds that the respondent, Montcalm Pulaski Watson, doing business as West Coast Transfer Company, wholly failed to file with the Commission Annual Report for the year 1935, as required by the law. That no report whatsoever purporting to comply with the requirements of the law and rules of the Commission has been filed by the respondent.

And the Commission further finds from the record in the case that for a period of ninety days next preceding the issuance of said Citation, on to-wit, January 30, 1936, the respondent, Montcalm Pulaski Watson, doing business as West Coast Transfer Company, wholly failed to make any operation whatsoever under said Certificate No. 189; and that he had for a period greater than ninety days next preceding the date of said Citation wholly abandoned his operation under said Certificate No. 189.

Wherefore, it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that Montcalm Pulaski Watson, doing business as West Coast Transfer Company, is guilty as charged in said Citation of both failure to file Annual Report for the year 1935 covering his operations under Certificate No. 189, as required by law and the rules of the Railroad Commission; and also total abandonment of operations under Certificate No. 189 for a period of more than ninety days next preceding the date of said Citation, to-wit, January 30, 1936.

And it is, therefore, further **CONSIDERED AND ADJUDGED** that the authority of Montcalm Pulaski Watson, doing business as West Coast Transfer Company, to operate under said Certificate No. 189 be, and the same is hereby **CANCELED AND REVOKED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 26th day of February, 1936.

ORDER NO. 851,

DOCKET NO. 233.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: FAILURE OF ACME FREIGHT LINES, INC., OF JACKSONVILLE, TO OBSERVE RULE NO. 66 AND LAWS OF THE STATE OF FLORIDA.

Pursuant to Citation dated January 30, 1936, this matter came on for formal hearing before the Railroad Commission at the Angebilt Hotel, Orlando, Florida, on February 10, 1936.

The respondent was not present, nor was it represented at said hearing, but made telegraphic request for postponement of said matter until February 20, 1936. The Commission proceeded to hear prosecution witnesses at the hearing at Orlando on February 10th, the date set in said Citation; and at the conclusion of the hearing those witnesses the matter was continued until February 20th, 1936, to be heard at Tallahassee, Florida, for the purpose of allowing respondent to present his defense.

The continued hearing was duly held by the Railroad Commission in its Hearing Room, Tallahassee, Florida, on February 20, 1936, in regular manner, at which time the Commission heard the testimony offered by the respondent in response to said Citation.

At the continued hearing the respondent was represented by its attorney Mr. J. Malcolm Johnson, Jr.

From the entire record and testimony offered by the respective parties herein, the Commission finds that the respondent, Acme Freight Lines, Inc., has been guilty as charged in said Citation of the violation of Rule No. 66 in that it required or permitted its driver, O. B. Edmonds, on or about December 21, 1935, to be or remain continuously on duty for a longer period than twelve consecutive hours; and that while on duty overtime as aforesaid, he did operate Acme Freight Line's G. M. C. truck, License HFH 828, and Semi-trailer license O-669, Commission Plate 1-429, on the highways of the State of Florida between Tampa and Jacksonville; all of which is contrary to the laws of the State of Florida and the rules of the Railroad Commission.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that Acme Freight Lines, Inc., has incurred penalties for such violations, which penalties are hereby fixed as follows:

- (1) REVOCATION OF CERTIFICATE NO. 185
HERETOFORE ISSUED TO ACME FREIGHT
LINES, INC.
- (2) PAYMENT TO THE STATE TREASURER
AT TALLAHASSEE, FLA., THE SUM OF FIF-
TY DOLLARS (\$50.00) AS A FINE.

It is further CONSIDERED, ORDERED AND ADJUDGED that payment by the said Acme Freight Lines, Inc., of the said sum of \$50.00 imposed herein as a fine will be accepted as full satisfaction of all penalties herein fixed, and upon a proper showing that the said sum of \$50.00 has been paid as required herein said Acme Freight Lines, Inc., will be permitted to continue its operations under Certificate No. 185.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the city of Tallahassee, Florida, this 26th day of February 1936.

OPINION.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA.

IN RE: DOCKET NO. 100-143. APPLICATION OF UNION BUS COMPANY, JACKSONVILLE, FLA., FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE IN FREIGHT SERVICE BETWEEN JACKSONVILLE AND CHATTAHOOCHEE, FLA., OVER FLORIDA STATE ROAD NO. 1, AND U. S. HIGHWAY NO. 90, DAILY SERVICE, EXCEPT SUNDAYS.

IN RE: DOCKET NO. 269. APPLICATION OF H. T. PACE, INC., JACKSONVILLE, FLA., FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE IN FREIGHT, INTRASTATE AND INTERSTATE, FROM JACKSONVILLE TO ALABAMA STATE LINE OVER STATE ROAD NO. 1 AND NO. 6, DAILY EXCEPT SUNDAYS.

IN RE: DOCKET NO. 233. APPLICATION OF ACME FREIGHT LINES, INC., JACKSONVILLE, FLA., FOR EXTENSION OF ITS CERTIFICATE NO. 185, TO OPERATE IN COMMON CARRIER SERVICE, INTRASTATE, TRANSPORTING FREIGHT OVER STATE ROAD NO. 1, FROM JACKSONVILLE TO RIVER JUNCTION, VIA TALLAHASSEE—DAILY EXCEPT SUNDAYS, WITH CLOSED DOORS BETWEEN JACKSONVILLE AND LIVE OAK.

APPEARANCES:

Mr. Claude Pepper, representing Union Bus Company.

Mr. Stanton Walker and Mr. Sam Matthews, representing H. T. Pace, Inc.

Mr. H. H. Lowry, representing H. T. Pace, Inc.

Mr. J. Malcolm Johnson and Mr. Clyde Atkinson, representing Acme Freight Lines, Inc.

Mr. F. B. Langley and Mr. Geo. A. K. Sutton, representing Atlantic Coast Line Railroad Co.

Mr. D. H. Bagley, representing St. Andrews Bay Transportation Company.

Mr. W. J. Oven, representing the Seaboard Air Line Railway Company and Railway Express Agency.

Mr. J. E. D. Yonge, representing the L. & N. Railroad Company.

Mr. J. R. Hunter, representing Railway Express Agency.

Mr. A. Y. Milam, representing Central Truck Lines, Inc.

Mr. H. H. Simms, representing Atlanta & St. Andrews Bay Railway Company, and other interested parties.

Union Bus Company, a common carrier of passengers by bus, holds a Certificate of Public Convenience and Necessity from the Florida Railroad Commission authorizing bus operations from Jacksonville to Marianna over State Highway No. 1. On July 5, 1934 it filed its application for a Certificate of Public Convenience and Necessity as a common carrier transporting freight over State Highway No. 1 between Jacksonville and River Junction, Florida.

On July 28, 1934, H. T. Pace, Inc., filed its application for a Certificate of Public Convenience and Necessity to operate in the common carriage of freight in both intrastate and interstate commerce between Jacksonville, Florida, and the Alabama State line over State Roads Nos. 1 and 6.

On August 1, 1934, Acme Freight Lines, Inc., filed an application with this Commission for a Certificate of Public Convenience and Necessity to operate in the common carriage of freight over State Road No. 1 from Jacksonville, Florida, to River Junction, Florida, with closed doors between Jacksonville and Live Oak, Florida. Acme Freight Lines, Inc., is also a certificated carrier under the Railroad Commission operat-

ing in interstate commerce from Jacksonville via Lake City and Jasper to Georgia-Florida State line enroute to Atlanta over State Highways Nos. 1 and 2, and also between Jacksonville and the Georgia-Florida State line over State Road No. 4.

The application of Union Bus Company was by Notice No. 473 set down for hearing on July 25, 1934. In the meantime the application of H. T. Pace, Inc., and Acme Freight Lines, Inc., were filed and all three of the applications were set down for hearing under Notice No. 481 for October 16, 1934. When the matter came on for hearing before the Commission on this date the applicants and the opponents suggested to the Commission that the matter not be heard at this time but should be set for a later date, and the matter was set down for hearing on December 10, 1934. Before the date of this hearing a motion was made before the Commission that the matter be further postponed on the ground that the hearing could not be completed before the Christmas holidays and that at this particular season of the year all of the employees of the carriers were especially busy, and the Commission was asked to postpone the hearing until the beginning of the new year. This request was granted and hearing was postponed.

Pursuant to Notice No. 490 dated December 5, 1934, this matter came on for hearing before the Railroad Commission on Tuesday, January 8, 1935 in the Hearing Room of the Commission, Tallahassee, Florida, and continued from day to day until March 1, 1935.

At the conclusion of the hearing all parties were allowed thirty days after the receipt of the record within which to file briefs. The record was voluminous, consisting of 3578 pages and a large number of exhibits. Due to the magnitude of the record, and conditions over which the commission had no control, the receipt of the transcribed record was greatly delayed, and the last volume of the testimony was not filed by the reporter until December of 1935. It was also necessary to extend from time to time the date for the filing of briefs. The last extension expired on February 12, 1936. Counsel for Acme Freight Lines, Inc., filed a comprehensive brief on February 11, 1936. No other briefs were filed.

At the opening of the hearing Central Truck Lines, Inc., through its counsel, filed its petition of intervention in each of the three applications, setting out that it was a certificated motor highway freight carrier over State Highway No. 1 from Jacksonville to Live Oak serving intermediate points, and that as such certificated carrier it was entitled, as a matter of law,

to furnish any and all additional service or facilities which this Commission may reasonably find proper to be furnished over said route, or over any portion of the route applied for between Jacksonville, Florida, and River Junction, Florida, and contended that the Commission could not award a Certificate of Public Convenience and Necessity to any of the applicants if public convenience and necessity was found to require said service until intervenor had failed to furnish such service. In its petition Central Truck Lines, Inc., further set up the fact of road congestion and increased hazard over the highway if any of said applications should be granted, and prayed the right to intervene in these proceedings and support its intervention.

Upon consideration of this petition of intervention, and after hearing argument of counsel for petitioner and for the applicants, the Commission entered its Order No. 724 dated January 8, 1935 in which it granted Central Truck Lines, Inc., the right to intervene in these proceedings for the purpose of setting up its rights as between Jacksonville and Live Oak, Florida, and its rights under the law as a certificated carrier, and for the purpose of producing such evidence as it saw fit on the merits of the application but denied the prayer of the petition that it be awarded, as a matter of law, a Certificate of Public Convenience and Necessity between Jacksonville and River Junction, Florida, over State Road No. 1 in the event that public convenience and necessity required the institution of such service.

At the outset it was understood and agreed by all parties that each of the applicants would produce its witnesses and make its own case, but that the proceedings should be consolidated into one record, and that the opponents, the rail lines and express agency, would then produce such witnesses and adduce such evidence as they saw fit in opposition to the applications, and the Commission would consider the matter as one record.

By an early order of this Commission, Order No. 85, dated October 29, 1929, a Certificate of Public Convenience and Necessity was granted to H. T. Pace (one of the applicants herein) authorizing him to operate a freight service by motor vehicle between Jacksonville, Florida, and Tallahassee, Florida, and intermediate points, over State Road No. 1.

The Seaboard Air Line Railway Company and Railway Express Agency, Inc., filed their petition for Writ of Certiorari in the Supreme Court of Florida to review the action of the Railroad Commission in granting said application. This matter was fully argued before the Supreme Court, and that Court in

a decision handed down on January 8, 1931, in the case of SEABOARD AIR LINE RAILWAY COMPANY vs. WELLS, reported in 131 SOU. 777, quashed the order of the Railroad Commission holding:

"While there was some evidence in this case tending to show that the proposed operation of the truck line would be a convenience to some individuals, there was no evidence showing that there was any real public necessity for its operation, when the service afforded by the railway and express companies is taken into consideration."

On January 29, 1931, H. T. Pace filed another application with the Railroad Commission for a Certificate of Public Convenience and Necessity to operate the same kind of service over the same highway from Jacksonville to Tallahassee. An extensive hearing was held and a large record was made in this case. The Commission, after a thorough consideration of this evidence, entered its Order No. 351 dated June 19, 1931, and in conformity with the conclusions it reached in its opinion discussing such application, denied the application of Pace for a Certificate. In its opinion in that case the Commission found:

"The Supreme Court of Florida has laid down the rule that the burden of proof is upon the applicant to show that the present or future public convenience and necessity requires the granting of the application. Evidence of mere convenience to some individual or to a relatively small portion of the public is not sufficient. Both convenience and necessity, which are the prime purposes of the statute, must be shown in order to comply with the requirements of the statute.

'Public convenience alone does not authorize the issuance of a certificate. There must be public necessity as well.'

S. A. L. vs. WELLS, et al. 131 SOU. 777.

* * * "The evidence offered by the applicant tends to show that motor freight service is more flexible than freight service by rail; that points intermediate to railroad stations and on the highway can be better served; that by reason of door to door, or pick-up and delivery service, the movement is expeditious and the costs incidental to hauling to and from freight depots are eliminated. The evidence further tends to show that the proposed service would be more convenient

to some of the shippers. But were it granted that it would be more convenient to all of the shippers the case falls short of proving the existence of the element of reasonable public necessity, which must exist before we are authorized to grant a certificate.

"The evidence further reveals the fact that there has been no diminution of transportation service over the line sought to be operated over by Pace since his former application. That the Seaboard Air Line Railway Company operates a daily freight service, and that the Railway Express Agency operates double daily service over the same line.

"An adequate rail service and an adequate express service cannot always afford an adequate general transportation service. It is the duty of the Railroad Commission to require the rail carriers and the express companies to maintain adequate service. It was not intended by the legislature to prohibit the Commission awarding motor truck service only in cases where rail service was inadequate. Adequacy of rail service is not the test and a showing of such adequacy cannot defeat the public's right to a more modern type of transportation as the desire of the public for such transportation is shown. Public convenience and necessity may exist in support of motor transportation service even though railroad service as such may be adequate to the extent that the Commission could not with propriety require any further service from the rail carrier. Convenience and necessity consist largely in the changing conditions and the demands of the time, the same as there arose years ago for railroad facilities as against existing canals and river transportation facilities.

"The granting of a certificate of public convenience and necessity even to a competing motor transportation company is not prohibited under the law even though it should parallel a rail line. There seems to be no doubt, however, that the service being rendered by the rail and express carriers is essential and indispensable to the community that would be affected by the proposed motor truck service, nor can we assume that the admission of another competitor in the nature of a motor freight line, would do other than divert express and freight traffic away from the existing carriers with a consequent reduction in their revenues.

which are now notoriously depressed. as a result of a falling off in traffic due to the general public depression."

As a result of the decision of the Supreme Court of Florida in the original Pace case, and of the above mentioned order of this Commission in the second Pace case, no certificated motor freight carrier now operates over State Road No. 1 between Live Oak, Florida, and River Junction, Florida.

The three applicants produced between 125 and 150 witnesses from all communities along this highway and from all walks of life who testified as to the great convenience to those living along the highway and in the various urban centers of transportation by truck. Many of these witnesses testified that this highway is being used by unregulated private carriers, and that these carriers not only make operation over this highway hazardous to the public but are also taking traffic away from the rail lines, and by reason of the inability of the State to regulate them are bringing no revenue into the State Treasury.

It seemed to be the theory of the applicants that the establishment of a certificated motor freight carrier over this highway would eliminate many of these private carriers and thus eliminate much of the traffic by truck over such highway. That the establishment of a certificated line would not have any more serious effect on existing transportation facilities since such certificated carrier would create its own traffic and tonnage by taking it away from the private carriers, and that the granting of a certificate covering the link in the highway between Live Oak and River Junction would enable these communities to receive the benefit of truck transportation which is now lacking, and would round out a complete transportation system for Florida, the chain of such transportation system now being broken by reason of this link between Live Oak and River Junction.

While a large number of these witnesses are prominent and large business people, the great majority consisted of filling station operators, small store keepers and families who live along the road over which this operation was sought. All testified as to the convenience of a truck service. Perhaps the largest single industry represented at the hearing was the tobacco industry including cigar manufacturing and tobacco growing, which is one of the leading and major industries of Quincy and Gadsden County, and was represented by some of the most prominent citizens of Quincy who appeared in sup-

port of the application for motor transportation service. While Quincy and Gadsden County have abundant rail service, it seemed to be the consensus of opinion of these witnesses that the establishment of a common carrier motor truck service over State Highway No. 1 through Quincy would be an additional transportation facility, and make Quincy and Gadsden County a part of the general motor transportation system of Florida. In addition, these witnesses thought that the pick-up and delivery service of the truck would also be a benefit. Some of these witnesses were under the impression that the rail lines were not now making store door delivery of unmanufactured tobacco.

The rail lines and express agency also produced a large number of witnesses approximating 100 from the territory involved in this hearing all of whom testified that they were now using the rail service and found the same entirely adequate for their needs. In addition to this, testimony was adduced by the officers and operating officials of the rail lines and of the express agency showing in detail the present service which is now being given as between Jacksonville and River Junction, both by freight service of the rail line and express service by fast passenger trains. Double daily through freight service is given over the Seaboard Air Line Railway between Jacksonville and Tallahassee and daily freight service between Tallahassee and River Junction, and in addition to this service, peddler cars and weekly refrigerator cars are also operated between Jacksonville and Tallahassee. The Express Agency, Inc., also furnishes double daily service between Jacksonville and River Junction serving intermediate points. The record shows that the Seaboard has also inaugurated store door delivery on L. C. L. traffic at many of the agency stations between Jacksonville and River Junction. This service was inaugurated on January 1, 1935. The Seaboard Air Line Railway connects at River Junction with the L. & N. Railroad for Pensacola, Florida. The L. & N. Railroad also furnishes double daily freight service between Pensacola and River Junction, and delivery service to most of its stations between River Junction and Pensacola.

The Union Bus Company also operates multiple schedules transporting passengers and light express over State Road No. 1 between Jacksonville and Marianna, Florida. Under the rules of the Commission each of its busses or passenger cars may transport not in excess of 700 pounds of light express in packages not to exceed in weight 60 pounds per package at express rates. The testimony in this case shows that the ex-

press agency has reduced its rates so that there is very little difference between express rates and freight rates.

H. T. Pace, Inc., also included in its application for Certificate of Public Convenience and Necessity an application to operate interstate between Jacksonville and the Alabama State line over State Highways Nos. 1 and 6. Union Bus Company also towards the close of the hearing filed its application for interstate service from Jacksonville to the Georgia State line over State Highways Nos. 1 and 58. As has been heretofore stated, all of these applications were heard together and a composite record was made upon which the Commission was to consider said applications. Neither H. T. Pace, Inc., nor Union Bus Company has been operating in interstate commerce over these highways.

During the progress of the hearing and consideration of these applications, the Federal Motor Carrier Act of 1935 was passed by Congress and became a law on August 9, 1935. The Commission is of the opinion that it has the same right to consider these applications that it had prior to the passage of the Federal Motor Carrier Act. This is especially true since these applications were filed with the Commission prior to the passage of said Act.

The evidence before the Commission in these proceedings shows that the operation of motor vehicles in the transportation of freight for compensation over State Highway No. 1 between Jacksonville and River Junction and between Jacksonville and Marianna, is a convenience to a portion of the public on this route, but the evidence does not affirmatively show that "public convenience and necessity requires or will require such operation" within the meaning and contemplation of the statute regulating the business of transportation for compensation on the public highways "which are maintained by taxation and designed primarily for use of the public and not for the business of transportation for compensation."

The evidence further reveals that there has been no diminution of transportation service over the line and in the territory sought to be operated over by these applicants, nor have circumstances changed or been altered since Order No. 351 denying the former Pace operation was entered.

It is the opinion of this Commission that the decision of the Supreme Court in the case of Seaboard Air Line Railway vs. Wells, supra, and the findings of this Commission upon

which Order No. 351 was based, are controlling in this proceeding, and the applications must therefore be DENIED.

An appropriate order will be entered.

FLORIDA RAILROAD COMMISSION

By W. B. DOUGLASS, Chairman.

Dated at Tallahassee, Florida,
February 25, 1936.

ORDER NO. 852.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA.

IN RE: DOCKET NO. 100-143. APPLICATION OF UNION BUS COMPANY, JACKSONVILLE, FLA., FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE IN FREIGHT SERVICE BETWEEN JACKSONVILLE AND CHATTAHOOCHEE, FLA., OVER FLORIDA STATE ROAD NO. 1, AND U. S. HIGHWAY NO. 90, DAILY SERVICE, EXCEPT SUNDAYS.

IN RE: DOCKET NO. 269. APPLICATION OF H. T. PACE, INC., JACKSONVILLE, FLA., FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE IN FREIGHT, INTRASTATE AND INTERSTATE, FROM JACKSONVILLE TO ALABAMA STATE LINE OVER STATE ROAD NO. 1 AND NO. 6, DAILY EXCEPT SUNDAYS.

IN RE: DOCKET NO. 233. APPLICATION OF ACME FREIGHT LINES, INC., JACKSONVILLE, FLA., FOR EXTENSION OF ITS CERTIFICATE NO. 185, TO OPERATE IN COMMON CARRIER SERVICE INTRASTATE, TRANSPORTING FREIGHT OVER STATE ROAD NO. 1, FROM JACKSONVILLE TO RIVER JUNCTION, VIA TALLAHASSEE — DAILY EXCEPT SUNDAYS, WITH CLOSED DOORS BETWEEN JACKSONVILLE AND LIVE OAK.

This cause coming on further to be heard on the record made in these proceedings, and it appearing that all parties entitled to notice and to be heard have had such notice and have been heard, and the Railroad Commission of the State of Florida being fully advised in the premises, and having reached conclusions as expressed in its opinion this day filed in this proceeding and made a part of this order:

It is, therefore, CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the applications of Union Bus Company, H. T. Pace, Inc., and Acme Freight Lines, Inc., for Certificates of Public Convenience and Necessity to operate as common carriers by motor vehicle transporting property between the points and over the State Highways mentioned and described in their several applications, be and the same are hereby DENIED.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the city of Tallahassee, Florida, this 25th day of February, 1936.

OPINION.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA.

IN RE: DOCKET NO. 100-1. APPLICATION OF CENTRAL TRUCK LINES, INC., FOR AN EXTENSION OF ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 56 SO AS TO AUTHORIZE THE COMMON CARRIAGE OF FREIGHT BY MOTOR TRUCK FROM CROWS BLUFF TO EUSTIS OVER STATE ROADS NOS. 100, 55 AND 2, WITH ALTERNATE ROUTE FROM CROWS BLUFF TO EUSTIS OVER STATE ROAD NO. 21, THENCE TO LEESBURG OVER STATE ROADS NOS. 55 AND 2, AFFORDING WATER-TRUCK CONNECTION WITH BOATS OF RIVER VALLEY LINE, INC., AT CROWS BLUFF.

APPEARANCES:

Robt. R. Milam, Esq., of Milam, McIlvaine & Milam, for applicant, Central Truck Lines, Inc., and Intervener River Valley Line, Inc.

Clifford T. Inglis, Esq., for St. Johns River Line Company.

F. W. Welch, Esq., for A. B. C. Transfer Company.

W. J. Oven, Esq., for Seaboard Air Line Railway Company.

F. B. Langley, Esq., for Atlantic Coast Line Railroad Company.

Stanton Walker, Esq., for Coast to Coast System.

On November 2, 1935, Central Truck Lines, Inc., a certificated motor freight carrier operating under authority of Certificate of

Public Convenience and Necessity No. 56, filed its application for authority to extend its service from Altoona to Crows Bluff on the St. Johns River over State Road No. 100 so as to authorize common carriage of freight by motor truck from Crows Bluff to Eustis over State Roads Nos. 100, 55 and 2, with an alternate route from Crows Bluff to Eustis over State Road No. 21, thence to Leesburg over State Roads Nos. 55 and 2 serving intermediate points. The application of Central Truck Lines, Inc., also shows that it had perfected an agreement with River Valley Line, Inc., a boat line operating on the St. Johns river, under the provisions of which Central Truck Lines, Inc., would interchange freight with this boat line as Crows Bluff so that this truck connection with the boat line would result in overnight carriage from Jacksonville to so-called River Valley points, that is to say, Altoona, Umatilla, Fort Mason, Eustis, Tavares, Leesburg and intervening points, by a combination of water-truck carriage; and by means of this combination water-truck operation the water-truck rates prescribed by this Commission in its Order No. 756, dated July 9, 1935, would be extended to the patrons, shippers and consignees of the applicant, Central Truck Lines, Inc., who desired to use this service.

Petition of intervention in support of this application was filed by River Valley Line, Inc., a recently organized corporation, which at the time of the hearing was operating a boat line between Jacksonville and Sanford for the transportation of freight. Intervener claimed to be the successor of C. S. Burgess, doing business as Star Transportation Company, which in turn was successor to the Star Truck Company, which in its turn was successor to Suwannee Steamship Company, in the operation of freight business on the river between these two points, and that intervener, and its predecessors had long been operating a boat service in transporting freight for compensation on the St. Johns river. That the predecessors of intervener had for a long time used the A. B. C. Transfer Company, a truck company operating between Sanford and Orlando, in interchanging its freight brought to Sanford by boat. That on July 18, 1935, St. Johns River Line Company, through its officers and directors, acquired control of the A. B. C. Transfer Company and now own, dominate and control its business and its operation; that St. Johns River Line Company is a direct competitor of the intervener which renders interchange service between intervener and A. B. C. Transfer Company unsatisfactory to intervener. Intervener prayed that it be permitted to have its trucks meet its boats at Sanford, Florida, and there transport the freight destined for Orlando and points over

State Highway No. 3, as a matter of right. Its further prayer was that the application of Central Truck Lines, Inc., be granted.

On December 9, 1935, St. Johns River Line Company, which is a certificated carrier of freight operating under the supervision of the Railroad Commission, under Certificate of Public Convenience and Necessity No. 80, operating boats on the St. Johns River between Jacksonville and Sanford and also a truck line between Sanford and Tampa and between Astor and the so-called River Valley points involved in this application, filed its answer to the application of Central Truck Lines, Inc. In its answer it alleged that St. Johns River Line Company and its predecessors have conducted freight boat operations on St. Johns River for many years prior to the passage of the Motor Transportation Act; that the Railroad Commission by the entry of its Order No. 1185, dated September 19, 1934, assumed jurisdiction of its operations and required that it file its rates, tariffs and schedules with said Commission; that the St. Johns River Line Company since the entry of said Order No. 1185 has operated its freight boat service in conformity with the rules and regulations of the Railroad Commission, and that the intrastate freight rate charges by St. Johns River Line Company are fixed by said Commission under recognized rate making theories and under the principles adopted by the Commission in its Order No. 756 dated July 9, 1935; that St. Johns River Line Company has expended large sums of money for the purchase and construction of freight boats and water terminals and for the expansion of its business through the acquisition of Certificates of Public Convenience and Necessity authorizing it to operate over the highways of the State in common carrier truck service; that by Order No. 515 dated August 19, 1932 the Railroad Commission denied an application of St. Johns River Line Company requesting authority to operate the same service which is now sought by Central Truck Lines, Inc.; that the Commission also by its Order No. 686-1/2, dated September 17, 1934, denied the application of St. Johns River Line Company for authority to operate from DeLand Landing to Leeburg, and from Palatka to Ocala, practically the same service which is now being sought by Central Truck Line, Inc.; that the design and purpose of the present application of Central Truck Lines, Inc., is to inaugurate, enlarge, extend and improve its competitive water-truck service into a new service so as to operate from Crows Bluff into Leesburg and there connect with the multiple schedules that the applicant has into the territory now being served by St. Johns River Line Company, and that the granting of this application would tend to

duplicate, weaken, impede and destroy the rights and privileges now held by St. Johns River Line Company; that through further interchange with other carriers the applicant would be enabled to provide an adequate over-night truck service in connection with its boat line between Jacksonville and Tampa and intermediate points, such points already being adequately served in the same type of service by St. Johns River Line Company, and also adequately served by other transportation agencies.

Pursuant to Notice No. 512, dated November 12, 1935, this matter was heard by the Railroad Commission at its Hearing Room, Supreme Court Building, Tallahassee, Florida, at its session beginning November 26, 1935. Comprehensive briefs were filed by counsel for both the applicant and St. Johns River Line Company.

We have carefully considered the record and the briefs.

The theory of the applicant as disclosed by the testimony and by brief, is that a showing of public convenience and necessity, as that term is generally understood, is not required in this case. Applicant argues that by reason of the fact that it provides boat service down the St. Johns river and offers a truck service in connection therewith that it is, therefore entitled ipso facto to this service because through such service it will be enabled to project differential rates lower than the scale rates into its territory and to its patrons that do not now enjoy such service. It bases its contention upon the findings of this Commission in Order No. 756. It is further the contention of the applicant that it is the duty of this Commission "to preserve and foster competition" with reference to water-truck service, and "to promote, employ and develop water transportation service and facilities in connection with the commerce of the United States," and that the Commission so stated in its Order No. 756, and such finding enures to the benefit of the applicant, and, therefore, the making of an order granting this application is merely an administrative duty of the Commission not governed by the principles of public convenience and necessity.

On the other hand the protestant, St. Johns River Line Company, claims that Central Truck Lines' application is an application for an entirely new service and in an entirely new field of operation, and that this Commission cannot grant the same except upon an affirmative showing of public convenience and necessity, and that even though public convenience and necessity were found for the service the Commission should not grant the application in a territory or on a line already served by a certificate holder unless and until the existing certificate holder

serving such territory fails to provide the service and facilities which may reasonably be required by the Commission.

The history of the entry of Order No. 756, referred to by the applicant, will show that it was the result of the quashing by the Supreme Court of Florida of two prior orders of the Commission (Order No. 706 dated November 2, 1934, approving the sale and transfer of all of the rights of McLeod Line, Inc., to St. Johns River Line Company, and Order No. 723 dated January 3, 1935 granting the application of St. Johns River Line Company for additional through schedule between Tampa and Sanford, Florida) on the main ground that these orders could not be entered as mere administrative orders but it was necessary that they be supported by an affirmative showing of public convenience and necessity.) CENTRAL TRUCK LINES vs RAILROAD COMMISSION, 160 SOU. 26). The Court in that case said:

"Where an inquiry is required to be had on the question of public convenience and necessity with respect to either the institution of an entirely new service, or the material extension, modification, or alteration of an existing service in such manner as to amount to the same thing, it must be affirmatively established by appropriate evidence, and duly found by the Commission therefrom, that the particular new service proposed to be brought into existence or made effective is required in the interest of public convenience and necessity. Absent such affirmative finding bottomed on a sufficient factual showing to substantially support it, the Railroad Commission is without authority to grant its approval for the inauguration of a substantially new service regardless of the form in which it is applied for, and orders so made by the Commission under such circumstances are in violation of the essential requirements of law and should be quashed when relief therefrom is sought by affected parties in a proceeding by certiorari. FLORIDA MOTOR LINES vs. RAILROAD COMMISSION. 101 FLA. 108, 132 SO. 851, supra.

* * * * *

"The purpose of issuing Certificates of Public Conveniences and Necessity is not for the advantage and benefit of the applicants requesting them, but is primarily for the public convenience and general welfare which are paramount to other problems. It is not the policy of such legislation as Chapter 14764, supra, to en-

courage destructive competition with existing transportation facilities and thereby decrease or destroy such existing services and deprive the general public thereof. The policy of the law is to avoid duplication of investments and maintenance and operating expenses and avoid inordinate commercial traffic on the highways that will tend to congestion and danger to traffic in general. Where a new carrier seeks to enter despite the fact that another is in the field, it is therefore generally held to be necessary for it to show that the existing service is not adequate to serve the public need. *WEST SUBURBAN TRANS. CO. vs. CHICAGO & W. T. RY. CO.* 309 Ill. 87, 140 N. E. 56; *POND ON PUBLIC UTILITIES* (4th ED) ARTICLES 775, inclusive."

The Court in this same case in discussing the operation of a motor truck service in conjunction with a water carrier had this to say:

"Section 1, par. (b) Chapter 14764, Acts 1931 (C. G. L. 1934 Supp. Sec. 1335 (1) (h) defines an 'Auto Transportation Company' as any person or corporation owning, leasing, using, or exercising dominion over motor vehicles operated in common carriage of either persons or property for compensation over public highways over regular routes or on fixed schedules, or between fixed termini. The definition is applicable to, and includes, a water carrier which leases, uses, or exercises dominion over motor vehicles operated in transportation of persons or property over public highways over regular routes, on fixed schedules between fixed termini. Chapter 14764, being an act to regulate and supervise 'auto transportation companies', as defined in that act, therefore applies to any person, firm, or corporation which, by doing the acts that in law constitute it an auto transportation company, has thereby elected to make itself an 'auto transportation company' subject to the terms, conditions and privileges of the act.

"Therefore, when a water carrier seeks and obtains under Chapter 14764, supra, the privilege of operating a common carrier motor transportation service over the public highways to points neither on, nor immediately accessible to, water transportation facilities at through rates to consist of a combination of its water rates with the motor rates prescribed as applicable to that

portion of its service performed over the highways, it becomes to all intents and purposes an 'auto transportation company' as to that particular transportation it performs between such fixed termini as are not capable of being reached by its water carriage alone, and the Commission, in certificating and recognizing such water carrier as 'an auto transportation company' under the statutes, is without lawful authority to approve the rendition of the combination water and motor transportation service between non-water connected fixed termini, except on equal terms and conditions as to rates and the like applicable to all motor carriers carrying goods in common carriage between the same fixed termini and not performing any part of the transportation service by water or other means."

This Commission thereupon, and in conformity with the above mentioned opinion of the Court, held an extensive hearing upon the application of St. Johns River Line Company to fix and adjust its rates and to approve its application for through schedules into Tampa. Order No. 756 will show that it not only approved water-truck differential rates, but also granted the applicant, the St. Johns River Line Company, the right to make the changes and improvements in its time schedules for its truck operations between Sanford and Tampa, holding that public convenience and necessity required such change of schedule. The Commission reaffirms its position as stated in Order No. 756, that the operation of water lines upon the St. Johns river, and other rivers in Florida, and the operation of through routes by water and land carriers are essential to the advancement of the policy of Congress "to promote, encourage and develop water transportation service and facilities", and are necessary to the commerce and convenience of the public. It is not, and will never be, the policy of the Commission to shut off the operation of water lines on the waters of the State, but the Commission has dealt with the through routes of water-truck carriers in line with the law as interpreted by the Supreme Court of our State, and in its Order No. 756 it required the applicant, St. Johns River Line Company, to prove public convenience and necessity for such operation. The proof of public convenience and necessity by one carrier for a particular service is not proof for all carriers who desire to engage in a similar service. Public convenience and necessity is to be determined by the facts and circumstances presented by each case, and it is the duty of the Commission to consider each case and its attendant circumstances, and decide it in view of the evidence presented.

The record shows that the protestant, St. Johns River Line Company, has authority to operate, and is operating, from Sanford to Tampa via Orlando and return, between Astor and Ocala, Leesburg and various Lake county points, and between DeLand Landing and Daytona Beach, and serves the River Valley points which Central Truck Lines, Inc., desires to serve by its present application.

The record indicates that River Valley Line, Inc., was organized primarily for the purpose of engaging in an operation up and down the St. Johns River between Jacksonville and Sanford in conjunction with Central Truck Lines, Inc., and would only operate on the river in the event that Central Truck Lines, Inc., could extend its truck operation so as to make connection at river points with it. In fact, River Valley Line, Inc., has now suspended its operation awaiting the result of this hearing. The Commission does not attempt to determine the necessity for a boat line operation, but after the boat line has begun its operation on the river the Commission does reserve the right to regulate its rates, and, under the law as interpreted by the Supreme Court in the case above quoted, it becomes the duty of the Commission to determine public convenience and necessity for a through water-truck operation.

A careful survey of the record in this case convinces a majority of the Commission that Central Truck Lines, Inc., has failed to show public convenience and necessity for an extension of its route over the line from Altoona to Crows Bluff, and from Crows Bluff to other points mentioned in its application. And there is no evidence whatsoever in the record upon which an affirmative finding "bottomed on a sufficient factual showing to substantially support it," that the institution of the through water-truck route is required in the interest of public convenience and necessity.

Intervener, River Valley Line, Inc., has advanced no good and sufficient reason nor proof why it should be permitted, as a matter of right, "to have its trucks meet its boats at Sanford, Florida, and there transport the freight destined for Orlando and beyond over State Highway No. 3."

The application of Central Truck Lines, Inc., and the prayer of the petition of intervener, River Valley Line, Inc., must therefore be DENIED.

An appropriate order will be entered.

ORDER NO. 853,

DOCKET NO. 100-1.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: DOCKET NO. 100-1. APPLICATION OF CENTRAL TRUCK LINES, INC., FOR AN EXTENSION OF ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 56 SO AS TO AUTHORIZE THE COMMON CARRIAGE OF FREIGHT BY MOTOR TRUCK FROM CROWS BLUFF TO EUSTIS OVER STATE ROADS NOS. 100, 55 AND 2, WITH ALTERNATE ROUTE FROM CROWS BLUFF TO EUSTIS OVER STATE ROAD NO. 21, THENCE TO LEESBURG OVER STATE ROADS NOS. 55 AND 2, AFFORDING WATER-TRUCK CONNECTION WITH BOATS OF RIVER VALLEY LINE, INC., AT CROWS BLUFF.

This cause coming on further to be heard on the record made in these proceedings, and it appearing that all parties entitled to notice and to be heard have had such notice and have been heard, and the Railroad Commission of the State of Florida being fully advised in the premises, and having reached conclusions as expressed in its opinion this day filed in this proceeding and made a part of this order:

It is, therefore, CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the application of Central Truck Lines, Inc., for authority to operate a motor-truck freight carriage from Crows Bluff to Eustis over State Roads Nos. 100, 55 and 2, with alternate route from Crows Bluff to Eustis over State Road No. 21, thence to Leesburg over State Roads Nos. 55 and 2, be and the same is hereby DENIED.

It is further ORDERED that the prayer of the petition of River Valley Line, Inc., that it be permitted, as a matter of right to have its trucks meet its boats at Sanford, and there transport the freight destined for Orlando and beyond over State Highway No. 3, be and the same is hereby DENIED.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 29th day of January, 1936.

ORDER NO. 854,

DOCKET NO. 364.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: INVESTIGATION BY THE COMMISSION AS TO
WHETHER THEY WILL PERMIT INTERSTATE CARRIERS
TO OPERATE THEIR EXISTING SCHEDULES IF AND
WHEN NECESSARY OR REQUIRE THEM TO CONTINUE
TO OPERATE UPON FIXED SCHEDULES.

1. Pursuant to Notice No. 516 dated February 5, 1936, this matter came on for general discussion before the Commission at its Hearing Room, Supreme Court Building, Tallahassee, Florida, on February 20, 1936, and then and there appeared the following:

George A. Pierce, Esq., of Walker & Pierce, appeared
for Great Southern Trucking Company.

Robert R. Milam, Esq., for Central Truck Lines, Inc.

A. Pickens Coles, Esq., for Tamiami Trail Tours, Inc.

J. Malcolm Johnson, Esq., for Acme Freight Lines, Inc.

W. J. Oven, Esq., for Receivers Seaboard Air Line Rail-
way Company and Florida East Coast Railway.

2. This matter came on for consideration before the Commission upon a general discussion of the question of motor carriers being permitted to operate on indiscriminate schedules. No sworn testimony was offered. It appeared that the interstate carriers who operate into Florida, and especially down the east coast of Florida, leave Atlanta, Georgia, at 7 o'clock at night coming into Jacksonville the next morning around 8:00 to 9:00 o'clock, and these carriers then hold that freight in Jacksonville until their night schedule on or about 7:00 P. M. Many have full truck loads destined from Atlanta to Miami, and the discussion was whether or not they should be permitted to send these full truck loads on through or hold them there for their regular schedule. It appeared that all of the carriers were not interested in this matter but rather desired to operate on regular schedules. It appeared that even if the carriers were permitted to continue on to Miami upon arrival at Jacksonville they would arrive in Miami at night and be unable to make deliveries until the next morning, and that under the present schedules they are still permitted to make such deliveries as they travel to Miami during the night. Upon consideration of this question.

It is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that public convenience and necessity and a well ordered transportation system by motor carrier require that all carriers operate on fixed schedules and thus all would be upon the same basis and operate alike.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 20th day of February, 1936.

ORDER NO. 855,

DOCKET NO. 363.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: APPLICATION OF GREAT SOUTHERN TRUCKING
COMPANY, A CORPORATION, FOR

1. AN APPROVAL OF SHUTTLE SERVICE BETWEEN EAU GALLIE, FLORIDA, AND STUART, FLORIDA AND RETURN, BETWEEN DAYTONA BEACH, FLORIDA, AND COCOA, FLORIDA, AND RETURN, BETWEEN DAYTONA BEACH, FLORIDA, AND KISSIMMEE, FLORIDA AND RETURN.
2. APPROVAL OF REVISION OF SCHEDULES BETWEEN JACKSONVILLE, FLORIDA, AND MIAMI, FLORIDA, AND RETURN, AND DAYTONA BEACH, FLORIDA, AND TAMPA, FLORIDA, AND RETURN.
3. APPROVAL OF CHANGE IN SCHEDULE IN LOOP FROM ORLANDO, FLORIDA, VIA MOUNT DORA, TAVARES, EUSTIS, UMATILLA, LEESBURG, GROVELAND, CLERMONT, WINTER GARDEN TO ORLANDO, FLORIDA.
4. APPROVAL OF REVISION OF SCHEDULE BETWEEN TAMPA, FLORIDA AND LAKE WALES, FLORIDA, AND RETURN, AND RESUMPTION OF OLD SCHEDULES WHICH WERE DISCONTINUED JANUARY 1ST, 1934, BETWEEN HAINES CITY, FLORIDA, AND SEBRING, FLORIDA, AND RETURN, AND TAMPA, FLORIDA, AND SEBRING, FLORIDA, AND RETURN.

1. Pursuant to Notice No. 516 dated February 5th, 1936, this matter came on for consideration before the Railroad Commission at its Hearing Room, Supreme Court Building, Tallahassee,

Florida, on February 20th, 1936. The following appearances were entered:

George A. Pierce, Esq., of Walker & Pierce for applicant, Great Southern Trucking Company.

Robert R. Milan, Esq., for Central Truck Lines, Inc.

A. Pickens Coles, Esq., for Tamiami Trail Tours, Inc.

John Hovarth, Esq., for Star Truck Line.

W. J. Oven, Esq., for Receivers Seaboard Air Line Railway Company and Florida East Coast Railway.

F. H. Bryant, A. F. T. M., for Seaboard Air Line Railway.

Geo. A. K. Sutton, Esq., for Atlantic Coast Line Railroad Company.

W. S. Baker, Esq., Trainmaster, Atlantic Coast Line Railroad Company.

J. P. Linton, Esq., for Atlantic Coast Line Railroad Company.

2. The applicant now operates motor vehicles in common carrier service between Jacksonville, Florida, and Miami, Florida, and under its schedule it leaves Eau Gallie at 2:03 A. M. and arrives at Stuart at 5:00 A. M. on the southbound run, and on the northbound run leaves Stuart at 10:45 P. M. and arrives Eau Gallie at 1:45 A. M. Applicant now proposes on this through run to deposit freight consigned to the territory between Eau Gallie and Stuart at some centrally located warehouse and deliver to its customers by a shuttle service leaving Eau Gallie at 8:00 A. M. and arriving Stuart at 9:00 A. M. and leaving Stuart at 9:30 A. M. and arriving Eau Gallie at 5:30 P. M. Applicant also operates through Daytona Beach and Cocoa, Florida, leaving Daytona Beach at 10:40 P. M. and arriving Cocoa at 1:35 A. M. on southbound trip, and on the northbound trip leaving Cocoa at 2:15 A. M. and arriving Daytona Beach at 5:05 A. M. and the applicant proposes a local shuttle service between Daytona Beach and Cocoa by which it might be able to deliver freight deposited for this particular territory in some local warehouse under a proposed shuttle service schedule by which it would leave Daytona Beach at 6:30 A. M. and arrive Cocoa at 9:30 A. M. leave Cocoa at 2:00 P. M. and arrive Daytona Beach at 5:00 P. M. These two shuttle services would be additional services to be performed by several smaller trucks. The applicant claimed that this is a new idea in trucking, and is a departure from the regular method and from the method that it has

heretofore employed, that is of delivering freight destined for each town to some local drayman for delivery to its customers or delivering its freight to its customers by its own pick-up and delivery truck. The applicant claims that this would be a higher type and a better service to its patrons, and also enable it to shorten its service between Jacksonville and Miami.

The applicant also proposed to change its present schedule between Jacksonville and Miami which schedule now shows a leaving time from Jacksonville at 7:00 P. M. and arrival time at Miami at 9:00 A. M. and a leaving time from Miami at 6:30 P. M. and arrival time at Jacksonville at 8:30 A. M. which is now operated daily, except Sunday, so that it would be enabled to leave Jacksonville at 7:00 P. M. and arrive Miami at 7:30 A. M. and leave Miami at 6:00 P. M. and arrive Jacksonville at 6:30 A. M. daily. This would not only amount to a shortening of the schedule between Jacksonville and Miami, but also change the schedule from a "daily except Sunday" to a "daily" schedule.

The applicant also desired to change its schedule between Daytona Beach and Tampa, Florida, so as to materially shorten the schedule, and also increase it from a six days a week to a seven days a week schedule.

3. The result of the operation of the shuttle service described herein, and of the revision of the schedules between Jacksonville and Miami and between Daytona Beach and Tampa, would be a convenience to the operator but would not result in any special convenience or necessity to the public, and in addition would necessitate the placing of several more trucks on highways that are now used extensively by both private and commercial vehicles. It is also probable that other certificated carriers operating over these routes would desire to operate shuttle trucks which would necessarily increase the number of trucks on the highways. The Commission is of opinion that public convenience and necessity does not require such service.

4. Applicant is now operating a loop from Orlando to Mount Dora, Tavares, Eustis, Umatilla, Leesburg, Groveland, Clermont, Winter Garden and back to Orlando three days a week, and now desires to make this a daily schedule, except Sunday. It was contended that the customers of the applicant are not well served by the three day schedule, and it is now necessary to deliver the freight to some connecting carrier for delivery on days which the applicant is not permitted to operate and the applicant thus loses revenue. It also appeared that Coast to Coast System, the predecessor of the applicant, at one time did have a daily, except Sunday, operation over this route but abandoned this operation. Under permission of the Commission it

suspended all service in the lake region for a period of four months and now seeks to revive this service as a daily except Sunday service. This is a new service and no showing of public convenience and necessity has been made nor inadequacy of present transportation facilities in the territory. In opposition to the proposal of the applicant, both the Star Truck Line and Central Truck Lines established the fact that they were operating daily service in this territory with short loads and were equipped to handle much more additional freight if the same were offered. The applicant also asked for revision of schedule between Tampa and Lake Wales, Florida, and return, and resumption of old schedules which were discontinued January 1st, 1934 between Haines City and Sebring and between Tampa and Sebring. It appears that when Coast to Coast System operated this service it had two schedules known as Nos. 3 and 4 of Time Table No. 1, under which it operated from Haines City to Dundee, Mountain Lake, Lake Wales, Babson Park, Avon Park and Sebring, and also operated from Tampa to Mulberry, Bartow, Lake Wales, Babson Park, Frostproof, Avon Park and Sebring. That these schedules were discontinued on or about January 31, 1934, and have never been since operated. That these schedules have been abandoned for a period of more than two years. It was also shown that Hunt Truck Line and Central Truck Lines, Inc., and St. Johns River Line Company are adequately serving the route from Lake Wales to Sebring. That these transportation companies could handle any additional tonnage that was offered without additional equipment.

It is the opinion of the Commission that if this application were granted the applicant would acquire, or at least revive, a new service from Jacksonville, Orlando and Tampa into the Ridge Section which is now adequately served by other transportation companies. There has been an utter lack of proof of public convenience and necessity for such service. In addition to this, it affirmatively appears that this service has been abandoned, and that there has been no operation over this route for more than two years. The statute requires the Commission upon hearing and proper showing to revoke authority to operate over a route over which there has been no operation for a period of ninety days. A refusal to permit a revival of an operation that has been abandoned is tantamount to revocation of the right to operate over such route.

A majority of the Commission having carefully considered the record, and the briefs filed in this proceeding, are of opinion that the application of the Great Southern Trucking Company should be denied in whole.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the application of Great Southern Trucking Company, a corporation, for

1. An approval of shuttle service between Eau Gallie, Florida, and Stuart, Florida, and return, between Daytona Beach, Florida, and Cocoa, Florida, and return, between Daytona Beach, Florida and Kissimmee, Florida and return.
2. Approval of revision of schedules between Jacksonville, Florida, and Miami, Florida, and return, and Daytona Beach, Florida, and Tampa, Florida, and return.
3. Approval of change in schedule in loop from Orlando, Florida, via Mount Dora, Tavares, Eustis, Umatilla, Leesburg, Groveland, Clermont, Winter Garden to Orlando, Florida,
4. Approval of revision of schedule between Tampa, Florida, and Lake Wales, Florida, and return, and resumption of old schedules which were discontinued January 1st, 1934 between Haines City, Florida, and Sebring, Florida, and return, and Tampa,

Florida, and Sebring, Florida, and return .

be and the same is hereby DENIED.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 20th day of April, 1936.

COMMISSIONER CARTER, believing that the shuttle service being nothing more than an evidence of pick-up and delivery from the terminals to nearby points, and that these schedules will give daylight service to points where agencies are not maintained, and avoid delays and congestion of the roads during the peak of traffic at night, dissents as to this part of the application.

ORDER NO. 856,

DOCKET NO. 310.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: APPLICATION OF H. P. STINSON AND C. E. COX,
AS CO-PARTNERS DOING BUSINESS AS R. C. MOTOR
LINES OF HIGH POINT, N. C. FOR CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY AS A CON-
TRACT CARRIER OF FREIGHT INTERSTATE FROM THE
GEORGIA-FLORIDA STATE LINE TO JACKSONVILLE,
FLORIDA, TRANSPORTING UNDER CONTRACT FOR
MONTGOMERY - WARD COMPANY BETWEEN THEIR
STORE IN BALTIMORE, MD., AND THEIR STORE IN
JACKSONVILLE, FLORIDA, USING HIGHWAY U. S. NO. 17.

WHEREAS by Order No. 760 dated July 10, 1935 and recorded
in Order Book "F" on pages 7-9 inclusive, the above named
application was denied, and

WHEREAS the Supreme Court of Florida did on April 16,
1936 issue its Peremptory Writ of Mandamus commanding the
Railroad Commission of the State of Florida to grant to G. D.
Joyner, C. E. Cox and Myatt H. Cox, trading and doing business
as R. C. Motor Lines, a Certificate of Public Convenience and
Necessity to engage as an interstate operator in private con-
tract carriage from Baltimore, Md., to Jacksonville, Florida, over
that certain portion of the road from the border of the State of
Florida to Jacksonville, Florida, known as Route No. 3 State
Highway, Route 17 United States Highway:

Wherefore, in obedience to said Peremptory Writ of Manda-
mus, it is CONSIDERED, ORDERED AND ADJUDGED by the
Railroad Commission of the State of Florida that a Certificate of
Public Convenience and Necessity to engage in interstate com-
merce in private contract carriage transporting for Montgomery-
Ward Company between Baltimore, Md., and Jacksonville, Flor-
ida, between the Georgia-Florida State line and Jacksonville,
Florida, using State Highway No. 3, U. S. Highway No. 17, be
GRANTED to G. D. Joyner, C. E. Cox and Myatt H. Cox, trading
and doing business as R. C. Motor Lines.

It is further ORDERED that such Certificate of Public Con-
venience and Necessity be issued to said R. C. Motor Lines as
of July 10, 1935, when the said R. C. Motor Lines shall have
complied with police regulations of the State of Florida as to
payment of mileage taxes and the proper qualifications of its

motor vehicles to operate over the highways of the State of Florida.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 22d day of April, 1936.

ORDER NO. 857,

DOCKET NO. 383.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: APPLICATION OF J. M. FILLINGAME FOR CERTIFICATE OF REGISTRATION AS A PRIVATE CONTRACT CARRIER ENGAGED IN INTERSTATE COMMERCE.

On the 26th day of March, 1936, one J. M. Fillingame was apprehended and arrested for operating a motor truck on the highways of the State of Florida transporting freight for compensation without having permission from the Railroad Commission so to do, and without having a "For Hire" license issued by the Motor Vehicle Commissioner authorizing such operation within the State of Florida.

Thereupon the said J. M. Fillingame filed with the Commission an application for Certificate of Registration alleging that he had been since August 15, 1935 engaged in interstate commerce in the transportation of goods by motor truck for hire between Albany, Georgia, and Jacksonville, Florida, and between Palatka, Florida and Albany, Georgia; that such carriage was that of a private contract carrier transporting property under contract with Swift & Company and Indiana Flour Mills for an agreed compensation, and that the applicant had traversed the following highways in the State of Florida:

Albany to Jacksonville via U. S. Highways 50, 41 and 90; Albany to Orlando via U. S. Highway 19, Florida Highway 19 and U. S. Highway 441; Albany to Tampa via U. S. Highways 19 and 41; Albany to Gainesville via U. S. Highway 41; Albany to Palatka via U. S. Highways 41 and 28; Albany to Quincy via U. S. Highways 19 and 90; Jacksonville to Albany via U. S. Highways 90 and 41 or U. S. Highways 1 and 50.

that because the Federal Motor Carrier Act became a law on August 9, 1935 the applicant considered that he was entitled to

operate in interstate commerce and to continue such operation until the Interstate Commerce Commission passed upon his application for Certificate, and therefore, made no application whatsoever to the Florida Railroad Commission but operated without authority from both the Interstate Commerce Commission and the Florida Railroad Commission.

The applicant not having filed with this Commission application for Certificate of Public Convenience and Necessity prior to October 1, 1935, effective date of the Federal Motor Carrier Act, and not having filed any application for registration with this Commission until April 20, 1936, long after October 1st, the effective date of the Federal Motor Carrier Act, and not having presented to this Commission a Certificate of Public Convenience and Necessity awarded by the Interstate Commerce Commission or any documentary evidence that he is entitled to operate under the Federal Motor Carrier Act 1935, the Commission is of opinion that he isn't now qualified for registration but must secure from the Interstate Commerce Commission authority to operate and present such authority to this Commission before a Certificate of Registration can be issued.

Wherefore, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the application of J. M. Fillingame for Certificate of Registration as a private contract carrier in interstate commerce be and the same is hereby DENIED.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 22d day of April, 1936.

ORDER NO. 858,

DOCKET NO. 326.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA.

IN RE: APPLICATION FOR APPROVAL OF TRANSFER OF
CERTIFICATE OF PUBLIC CONVENIENCE AND NECES-
SITY NO. 194 FROM D. L. HOPSON, OPERATING AS
BAINBRIDGE-COLUMBUS MOTOR LINES, TO S. H. ADER
OPERATING AS ADER COACH LINES.

1. Pursuant to Notice No. 518 dated April 6, 1936, this matter came on for hearing before the Railroad Commission at its

Hearing Room, Supreme Court Building, Tallahassee, Florida, on April 21, 1936 at 10 o'clock A. M.

Claude Pepper appeared for the applicant.

W. J. Oven appeared for Receivers of Seaboard Air Line Railway Company.

Geo. A. K. Sutton and F. B. Langley appeared for Atlantic Coast Line Railroad Company.

H. C. Roland appeared for Union Bus Company and Coleman Motor Lines.

2. D. L. Hopson, doing business as Bainbridge-Columbus Motor Lines, is the owner and holder of Certificate of Public Convenience and Necessity No. 194 granted by this Commission authorizing common carriage in motor bus service between the Georgia-Florida State line and Tallahassee, Fla., via Havana, Florida, and has sold and transferred all of his rights in said Certificate of S. H. Ader of Albany, Georgia, operating as Ader Coach Lines.

3. The joint petition of D. L. Hopson, doing business as Bainbridge-Columbus Motor Lines, and S. H. Ader operating as Ader Coach Lines, for approval of the transfer of such Certificate shows that the Bainbridge-Columbus Motor Lines has been operating regularly over this route in the State of Florida and connects with the Ader Coach Lines at Bainbridge, Georgia, and that the Ader Coach Lines operate from Bainbridge through Thomasville, Georgia, into Atlanta, Georgia. That D. L. Hopson has filed an Annual Report of the operations of said Bainbridge-Columbus Motor Lines up to and including March 31, 1936, and that S. H. Ader has agreed to operate the schedules now in force and in effect by Bainbridge-Columbus Motor Lines, and to pay all legal obligations now due and payable by said Bainbridge-Columbus Motor Lines.

It further appears that S. H. Ader, operating as Ader Coach Lines, has been in the bus business for many years and is financially able to conduct such operation, and is qualified to operate said bus line over the roads of the State of Florida.

Wherefore, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the transfer of Certificate of Public Convenience and Necessity No. 194 from D. L. Hopson, operating as Bainbridge-Columbus Motor Lines, to S. H. Ader, doing business as Ader Coach Lines, be and the same is hereby APPROVED as of March 31, 1936.

It is further ORDERED that S. H. Ader, operating as Ader Coach Lines, be and he is hereby authorized to continue the operation of the Bainbridge-Columbus Motor Lines between Tallahassee, Florida, and the Georgia-Florida State line via Havana, Florida.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the city of Tallahassee, Florida, this 24th day of April, 1936.

ORDER NO. 859,

DOCKET NO. 387.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA.

IN RE: APPLICATION OF T. H. LAWRENCE AND F. B. LAWRENCE OPERATING AS LAWRENCE BROTHERS FOR A CERTIFICATE OF REGISTRATION AS A PRIVATE CONTRACT CARRIER FOR HIRE IN INTERSTATE COMMERCE TRANSPORTING MILK, CREAM AND BUTTER FOR BORDEN SOUTHERN COMPANY OF NEW YORK FROM THE STATE OF TENNESSEE TO JACKSONVILLE, FLORIDA OVER FLORIDA STATE HIGHWAY NO. 4.

1. On the 21st day of April 1936 T. H. Lawrence and F. B. Lawrence, doing business as Lawrence Brothers, filed their application for a Certificate of Registration as a contract carrier engaged in exclusive interstate commerce and alleging that the applicants operated under contract between the Borden Southern Company of New York and the applicants, and that said contract called for the transportation of milk, cream and butter. Applicants desired to operate between the Georgia-Florida State line and Jacksonville, Florida, over State Highway No. 4.

2. Applicants state in their petition, among other things, the following:

"3. That this business was established on or about January 1921."

3. There is nothing on the face of the petition nor any proof whatsoever submitted that the applicants had ever operated in the State of Florida until after this application was filed on the 21st day of April 1936. That the records of the Commission show that on April 30, 1936 a truck of the applicants was

stopped at the State line. That this is the only time to the knowledge of the Commission that said applicants had ever operated into the State of Florida.

4. The Federal Motor Carrier Act 1935 became a law on August 9, 1935. That although the effective date of the Act was postponed until October 1, 1935, the date of the invasion by the Federal government of this field of regulation would be as of August 9, 1935, and the limitations of such Act on the powers of the Railroad Commission of Florida as to the granting of Certificates of Public Convenience and Necessity to exclusively interstate motor carriers became effective as of August 9, 1935, long prior to the filing of this application on April 21, 1936.

5. That Judge A. V. Long, Judge of the District Court of the United States in and for the Northern District of Florida on November 7, 1935 in the case of L. & L. Freight Lines, Inc. vs. Railroad Commission held that an interstate operator was not entitled to continue his operation pending decision of the Interstate Commerce Commission unless such operation was begun prior to October 1, 1935, the effective date of such Act, and denied plaintiff an injunction against the Commission although it had filed an application with the Railroad Commission on October 8, 1935. This being an interpretation of a Federal statute by a Federal Judge this Commission is bound by such decision.

6. Applicants claimed that the products they are transporting are exempt under Chapter 14764, Acts of 1931, laws of Florida. It appears that the applicants are transporting milk, cream and butter. At least a part of these products are manufacturing products and are not exempt under the laws and rules and regulations of the Commission, and, therefore, the trucks that transport both exempt products and those that are not exempt are not "motor vehicles used exclusively" in transporting exempt products, and, therefore, such motor vehicles would not be exempt from Commission jurisdiction and control. This argument cannot avail applicants, however, since applicants are engaged in interstate commerce, and this Commission has no authority to award a Certificate for such purpose. From an examination of the Motor Carrier Act 1935 itself it also appears that transportation of such products are not exempt under that Act.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the applicants not having filed with this Commission an application for Certificate of Public Convenience and Necessity or a Certif-

icate of Registration as an interstate carrier prior to October 1, 1935, and it not appearing on the face of their application, and no proof having been submitted that applicants had operated as an interstate carrier over the highways of the State of Florida prior to October 1st, 1935, and no application whatsoever having been filed with this Commission prior to April 21, 1936, and the applicants, therefore, not being bona fide operators as contemplated by the Federal Motor Carrier Act 1935, and applicants not having presented to this Commission a Certificate of Public Convenience and Necessity awarded by the Interstate Commerce Commission, or any documentary evidence that they are entitled to operate under the Federal Motor Carrier Act 1935, the application of T. H. Lawrence and F. B. Lawrence, operating as Lawrence Brothers, be and the same is hereby DENIED.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the city of Tallahassee, Florida, this 1st day of May 1936.

ORDER NO. 860,

DOCKET NO. 386.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA.

IN RE: APPLICATION OF NANCE TRANSFER COMPANY
OF GAINESVILLE, GEORGIA, FOR A CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY TO OPERATE
AS A COMMON CARRIER TRANSPORTING FREIGHT IN
INTERSTATE COMMERCE BETWEEN THE GEORGIA-
FLORIDA STATE LINE AND JACKSONVILLE, FLORIDA,
OVER STATE HIGHWAY NO. 4.

1. On April 21st, 1936, applicant filed its application for Certificate of Public Convenience and Necessity as a common carrier of freight by motor vehicle between the Georgia-Florida State line and Jacksonville, Florida, over State Highway No. 4. It is stated in the application that applicant commenced operation over the route on a date prior to June 1st, 1935, long prior to the passage of the Federal Motor Carrier Act on August 9, 1935. That applicant had never before filed an application with the Railroad Commission of the State of Florida, nor received any Certificate of Public Convenience and Necessity to operate as an auto transportation company, and, therefore, was not in bona fide operation as an interstate motor carrier prior to

June 1st, 1935. It is the opinion of this Commission that the use of the words "bona fide" in the Federal Motor Carrier Act with reference to a carrier operating prior to June 1st, 1935 means a carrier who has received proper authority from the State to operate.

2. The passage of the Federal Motor Carrier Act on August 9th, 1935, deprived this Commission of jurisdiction to award a Certificate of Public Convenience and Necessity to operate in interstate commerce but this Commission did have jurisdiction to award a Certificate of Public Convenience and Necessity to an interstate operator at the time the applicant states that it was in operation, and applicant having ignored this Commission and failing to apply for a Certificate is now engaged in an illegal operation contrary to both the Federal Motor Carrier Act and the laws of the State of Florida.

3. Applicant not having obtained a Certificate of Public Convenience and Necessity from this Commission prior to June 1st, 1935, is not a bona fide operator under the Federal Motor Carrier Act 1935, and, therefore, is not entitled to continue to operate until such application as it may have made to the Interstate Commerce Commission shall have been determined; and not having filed with this Commission an application for registration prior to October 1st, 1935, the effective date of the Federal Motor Carrier Act, and not presenting any Certificate of Public Convenience and Necessity issued by the Interstate Commerce Commission authorizing it to operate in interstate commerce, it is the opinion of this Commission that applicant is not now qualified for registration but must secure from the Interstate Commerce Commission authority to operate and present such authority to this Commission before it is entitled to a Certificate of Registration.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the application of Nance Transfer Company for a Certificate of Registration as an interstate carrier operating over State Road No. 4, be and the same is hereby DENIED.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the city of Tallahassee, Florida, this 1st day of May 1936.

ORDER NO. 861,

DOCKET NO. 100-13.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA.

IN RE: APPLICATION OF TAMiami TRAIL TOURS, INC.,
OF TAMPA, FLORIDA, FOR AN EXTENSION OF ITS
CERTIFICATE OF PUBLIC CONVENIENCE AND NECES-
SITY NO. 28, TO TRANSPORT PASSENGERS AND LIGHT
EXPRESS BETWEEN TAMPA AND THE GEORGIA-
FLORIDA STATE LINE VIA TALLAHASSEE OVER STATE
HIGHWAY NOS. 5, 19 AND 10.

ON PETITION FOR REHEARING AND REARGUMENT

1. Tamiami Trail Tours, Inc., on May 25, 1935 filed its application for authority to transport passengers and light express between Tampa and the Georgia-Florida State line via Tallahassee over State Highways Nos. 5, 19 and 10. This application was heard by the Commission beginning on July 16, 1935, and after considering the voluminous record made at said hearing the Commission made its findings upon the law and the facts on October 16, 1935, holding that said application must be denied.

Without seeking authority from this Commission to amend its application but "specifically reserving unto itself all manner of exceptions to the numerous errors and proceedings had not in accordance with the essential requirements of law and further reserving unto itself those matters not hereinafter specifically set forth" it amends its application and petitions this Commission for a rehearsing and a reargument on the amended application.

2. The purported amendment would strike from the original application that portion of the route proposed to be served from Tallahassee north to the Georgia-Florida State line over State Highway No. 10. The amended application, therefore, seeks a Certificate of Public Convenience and Necessity to operate between Tampa and Tallahassee, Florida. The applicant, however, alleges in its petition for rehearsing that it has entered into a five year interchange and routing agreement with Ader Coach Lines which operates from Tallahassee, Florida, to Atlanta, Georgia, via Bainbridge and also serves Columbus, Albany and Thomasville and other points in Georgia, under which said agreement the applicant and Ader Coach Lines would interchange passengers and light express exclusively the one with

the other at Tallahassee, Florida. Approval of this interline agreement was not sought from this Commission probably on the theory that jurisdiction to approve such interline agreement is lodged in the Interstate Commerce Commission under the Federal Motor Carrier Act 1935.

3. The Commission in the original hearing of this application found the territory sought to be served completely occupied by the Florida Motor Lines, Inc., and Gulf Crescent Motor Lines, Inc., and that no affirmative showing had been made that public convenience and necessity of the public, whose interest is paramount, demanded the granting of a new service which would tend to impair the existing competitive advantage possessed in this territory by the existing certificate holders. The Commission suggested, however, that a more convenient transportation service by bus could be maintained if Tamiami Trail Tours, Inc., and Florida Motor Lines, Inc., occupied the same terminals, both at Miami and Tampa and if the schedules of both of these bus companies could be so arranged as to expedite motor travel as between Tampa and Miami and points north, and required these carriers "to arrange such agreement and schedules and submit the same to this Commission for its consideration and approval." A period of twenty days was allowed for this purpose. A tender of an interline agreement as to terminal facilities and change in schedules so as to furnish an expedited motor bus transportation service in this territory was submitted by Florida Motor Lines and Gulf Crescent Motor Lines within the period of twenty days. The agreement and schedules were not entirely satisfactory to Tamiami Trail Tours, Inc., and conferences were held between the representatives of these companies and representatives of the Commission so that on November 20, 1935 Order No. 811 was entered by the Commission in this matter approving the schedules of the Gulf Crescent Motor Lines, Inc., Florida Motor Lines, Inc., and Tamiami Trail Tours, Inc., setting out the result of these connecting schedules to the public served by these motor lines, and finding:

"5. That satisfactory and adequate service is now being furnished to the people of the various communities affected by this proceeding by Florida Motor Lines, Inc., and Gulf Crescent Motor Lines, Inc., the existing certificate holders serving such territory, and Tamiami Trail Tours, Inc., is cooperating with such carriers and this Commission in furnishing adequate through service to the communities along this route on the west coast of Florida by inaugurating additional

schedules making close connection with the schedules of such connecting carriers."

A majority of the Commission thereupon formally approved these schedules and denied the application of Tamiami Trail Tours, Inc., as it was advised the law and the facts of this case required it to do.

4. The Commission has carefully considered the petition of the applicant for a rehearing and reargument upon its amended application, and a majority thereof concur in the following findings:

- (a) Assuming that motion to amend the original application would be granted if properly made, the application would then become, so far as the jurisdiction of this Commission is concerned, an exclusively intrastate application to operate between Tampa and Tallahassee, Florida. While it is evident that applicant considers this operation as a through service between Miami, Tampa, Tallahassee, Atlanta and points north by reason of its interchange and routing agreement with the Ader Coach Lines, it is probable that such routing agreement would have to be approved by the Interstate Commerce Commission under Section 213 of the Federal Motor Carrier Act 1935. The operation would not become "a through expedited service between Miami and Atlanta via Tallahassee and along the east coast of Florida" until approval of the operating contract between applicant and Ader Coach Lines has been received from the Interstate Commerce Commission.
- (b) The contention of the applicant that the facts presented by the tender of service and schedules of Florida Motor Lines, Inc., and Gulf Crescent Motor Lines, Inc., shows that "an average movement of only three passengers moved between Tallahassee and Tampa," supports the finding of a majority of this Commission that there is no affirmative showing that public convenience and necessity demands the granting of a new service that will tend to impair the existing competitive advantage enjoyed by the existing motor carriers.
- (c) An order of this Commission although quasi judicial in character is not res adjudicata of another application of a similar nature subsequently filed.

An amended application filed more than six months subsequent to an order of this Commission is a new application and should be heard as such with all parties having proper notice and an opportunity to be fully heard. Nothing in the law precludes the filing of a new application six months after a denial of a previous application.

- (d) It is the statutory duty of the Commission to require adequate service by carriers under its jurisdiction. The Commission has performed this duty and found that the prescribed schedules result in satisfactory and adequate service. It will continue to perform its duty by requiring that those schedules be observed.
- (e) A careful consideration of the matters and things set forth in the petition for rehearing in connection with the record of the former hearing and the law applicable thereto reveals no sufficient reason for a change in the existing order.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the petition of Tamiami Trail Tours, Inc., for a rehearing be and the same is hereby DENIED.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the city of Tallahassee, Florida, this 7th day of May, 1936.

COMMISSIONER CARTER DISSENTS.

ORDER NO. 862.

DOCKET NO. 100-79.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA.

IN RE: APPLICATION FOR APPROVAL OF TRANSFER OF
CERTIFICATE OF PUBLIC CONVENIENCE AND NECES-
SITY NO. 19 COVERING CONTRACT CARRIAGE BY MOTOR
VEHICLE OF PETROLEUM PRODUCTS, FROM JOHN P.
NUTT, TRADING AND DOING BUSINESS AS JOHN P.
NUTT COMPANY TO THE JOHN P. NUTT CORPORATION.

1. Pursuant to Notice No. 518 dated April 6, 1936, this matter came on for hearing before the Railroad Commission of the

State of Florida at its Hearing Room, Supreme Court Building, Tallahassee, Florida, on April 21, 1936.

Martin Sack, Esq., appeared for applicant.

F. B. Langley, Esq., appeared for Atlantic Coast Line Railroad Company.

2. The joint petition of John P. Nutt, doing business as John P. Nutt Company and The John P. Nutt Corporation, shows that Certificate of Public Convenience and Necessity No. 19 was issued by the Railroad Commission to John P. Nutt doing business as John P. Nutt Company, on October 24, 1929, covering contract carriage of petroleum products by motor vehicle, and that John P. Nutt Company has now incorporated under the name of The John P. Nutt Corporation and has authority to do business in the State of Florida. The present application is to transfer its certificate to The John P. Nutt Corporation.

3. The John P. Nutt Corporation has agreed to assume all outstanding liabilities of John P. Nutt Company, and agrees to pay all mileage taxes now due to the State of Florida and all other obligations in connection with the operation of John P. Nutt Company imposed by law or the rules and regulations of the Railroad Commission. The John P. Nutt Corporation agrees to file with the Railroad Commission a copy of the contract of The John P. Nutt Corporation with Gulf Refining Company under which it transports for said company petroleum products in the State of Florida.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the application for approval of the transfer of Certificate of Public Convenience and Necessity No. 19 from John P. Nutt, trading and doing business under the name of John P. Nutt Company to The John P. Nutt Corporation, be and the same is hereby APPROVED.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the city of Tallahassee, Florida, this 1st day of May, 1936.

ORDER NO. 863,

DOCKET NO. 100-79.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA.

IN RE: APPLICATION OF JOHN P. NUTT, DOING BUSINESS AS JOHN P. NUTT COMPANY, FOR EXTENSION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 19 AUTHORIZING TRANSPORTATION UNDER CONTRACT WITH THE TEXAS COMPANY OF CERTAIN PETROLEUM PRODUCTS, AND THE TRANSFER OF SUCH RIGHTS UNDER SUCH CERTIFICATE TO THE JOHN P. NUTT CORPORATION.

1. Pursuant to Notice No. 518 dated April 6, 1936, this matter came on for hearing before the Railroad Commission of the State of Florida at its Hearing Room, Supreme Court Building, Tallahassee, Florida, on April 21, 1936.

Martin Sack, Esq., appeared for applicant;

G. H. Knowles, Esq., appeared for Fogarty Brothers Transfer Company; George A. K. Sutton, Esq., and F. B. Langley, Esq., for Atlantic Coast Line Railroad Company; J. R. Hunter, Esq., for Railway Express Agency; Leo P. Kitchen for the L. & L. Freight Lines, Inc.

2. John P. Nutt, doing business as John P. Nutt Company, was at the time of the hearing of this application the owner and holder of Certificate of Public Convenience and Necessity No. 19, authorizing transportation of petroleum products by motor vehicle to various points in the State of Florida. On February 18, 1936, said company entered into a contract with The Texas Company to transport for said company a certain definite amount of gasoline per month to the following points in Florida:

From the Tampa sales terminal of the Texas Company to Bradenton, Tarpon Springs, Dade City, Sarasota, Haines City, Clearwater, Brooksville, Lakeland, Avon Park, Dunnellon, Eustis, Leesburg and St. Petersburg; From the Jacksonville sales terminal of The Texas Company to St. Augustine, Ocala, Daytona Beach and DeLand, and also to Brunswick, Waycross, Valdosta and Tifton in the State of Georgia; From the Panama City Sales terminals to DeFuniak Springs, Marianna and Monticello; From the Miami or Miami Beach Causeway terminal of the Texas Company to Fort Lauderdale.

dale, West Palm Beach, Pahokee, Stuart and Fort Pierce.

After much discussion at the hearing the applicant was required to file his rates covering such transportation. The rate fixed by the contract is .00869c. per gallon mile.

3. It also appears from the evidence introduced in this case that the applicant desires to transport gasoline for The Texas Company and it proposes to transport this gas in tank equipment which the applicant called a truck and four wheel trailer which is capable of transporting a gross load of approximately 34,000 pounds. That the applicant considers this equipment as a truck and a four wheel trailer and has obtained a license for both units of the equipment and pays mileage taxes upon each unit, and has agreed not to transport more than 12,000 pounds of pay load upon each unit.

4. It also appears from the evidence in the case that the John P. Nutt, doing business as John P. Nutt Company, has recently incorporated under the name of The John P. Nutt Corporation, and by Order No. 862 dated May 1st, 1936 the change of the name of the company and the transfer of Certificate of Public Convenience and Necessity No. 19 from John P. Nutt Company to the John P. Nutt Corporation was approved. It is now desired that this extension of Certificate No. 19 to cover contract with The Texas Company be authorized in the name of The John P. Nutt Corporation.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that The John P. Nutt Corporation be and it is hereby AUTHORIZED to transport gasoline in tank trucks for The Texas Company between the points named in the State of Florida mentioned herein and over the highways of the State of Florida necessary to reach such points.

It is further ORDERED that The John P. Nutt Corporation is also authorized to use in its operation transporting gasoline a tank truck capable of transporting approximately 3,000 gallons, the gross weight of both units not exceeding 34,000 pounds, and each vehicle in the combination having two axles and four or more wheels equipped with pneumatic tires of sufficient diameter to comply with the laws of Florida respecting weight per inch of tire surface, and otherwise equipped and operated according to law, and provided that each vehicle shall transport a pay load not in excess of 12,000 pounds and each vehicle shall be licensed under the motor vehicle law and have attached thereto a Railroad Commission plate, and provided further that

a mileage tax in accordance with law shall be paid upon each vehicle of the combination.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the city of Tallahassee, Florida, this 1st day of May 1936.

ORDER NO. 864,

DOCKET NO. 100-9.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA.

IN RE: APPLICATION OF STAR TRUCK LINE, INC., OF
TAMPA, FLORIDA, FOR ADDITIONAL SCHEDULE BE-
TWEEN TAMPA AND SARASOTA, FLORIDA.

1. Pursuant to Notice No. 518 dated April 6, 1936, this matter came on for hearing before the Railroad Commission of the State of Florida at its Hearing Room, Supreme Court Building, Tallahassee, Florida, on April 21, 1936.

Claude Pepper, Esq., appeared for the applicant; A. Pickens Coles, Esq., for protestant Tamiami Trail Tours, Inc.; G. B. Knowles, Esq. for protestant Fogarty Brothers Transfer Company; W. J. Oven, Esq., for receivers of Seaboard Air Line Railway Company; Geo. A. K. Sutton, Esq., and F. B. Langley, Esq., for Atlantic Coast Line Railroad Company; J. R. Hunter, Esq., for Railway Express Agency; Leo P. Kitchen for the L. & L. Freight Lines, Inc.

2. It appears that Star Truck Line, Inc., is a certificated carrier under the Railroad Commission and operates as a common carrier of freight by motor vehicle between Tampa and Sarasota, Tampa and Orlando, and Tampa and Polk County and Lake County points. That it now operates one schedule a day between Tampa and Sarasota leaving Tampa at 5:00 o'clock in the morning and returning leaving Sarasota about 12:00 o'clock noon. The present application is for an additional schedule leaving Tampa at 12:00 o'clock noon arriving Sarasota at 2:25 P. M. and returning leave Sarasota at 3:30 P. M. and arriving Tampa at 5:50 P. M. Witnesses for applicant testified that prior to the time it filed its revised schedules with the Commission in 1932 it was operating a double daily schedule between Tampa and Sarasota but that it failed to file its noon schedule with the Commission at that time. That the situation

has now changed and it could render a more desirable and better service to the public if it were permitted to inaugurate this new schedule.

3. It appears from the evidence that Fogarty Brothers Transfer Company operates a daily schedule as a common carrier of freight by motor vehicle leaving Tampa at 12:30 P. M. arriving Sarasota at 3:30 P. M. and opposed the granting of this application on the ground that it has ample facilities to transport all freight offered to it and is able, willing and ready to increase its facilities if the freight tonnage offered to it requires it.

4. This Commission by Order No. 828 dated December 21, 1935, denied the application of Edwards Truck Line of Tampa, Florida, to establish a similar schedule between Tampa and Sarasota, and found in that order that public convenience and necessity did not require additional schedules between Tampa and Sarasota, and that the granting of same would reduce the tonnage now being transported by truck lines and by rail carriers between such points, and that no showing had been made of inadequacy of the present service between these two points. The Commission is of opinion that the same situation exists in this application.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the application of Star Truck Line, Inc., for additional schedule between Tampa and Sarasota be and the same is hereby DENIED.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the city of Tallahassee, Florida, this 1st day of May 1936.

ORDER NO. 865,

DOCKET NO. 303.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA.

IN RE: APPLICATION OF UNITED VAN SERVICE OF JERSEY CITY, N. J., FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO TRANSPORT IN INTER-STATE COMMERCE ONLY UNCRATED HOUSEHOLD GOODS AND OFFICE FIXTURES EXCLUSIVELY UNDER THE PROVISIONS OF RULE NO. 59.

1. By Order No. 750 dated May 4th, 1935, a Certificate of Public Convenience and Necessity limited to the transportation of uncrated household goods, office furniture and fixtures in interstate commerce into and out of the State of Florida was awarded to United Van Service of Jersey City, New Jersey.

2. It appears that United Van Service has failed to comply with the rules and regulations of the Commission in that it has not filed liability and property damage insurance covering its motor vehicles used in its operations, and has failed to obtain and pay for Railroad Commission tags for its said motor vehicles although repeated requests have been made upon said United Van Service to comply with said rules.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that Order No. 750 dated May 4, 1935 awarding Certificate of Public Convenience and Necessity to the said United Van Service be and the same is hereby CANCELED and all authority to operate under said Order is hereby REVOKED.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the city of Tallahassee, Florida, this 19th day of May, 1936.

ORDER NO. 866,

DOCKET NO. 318.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA.

IN RE: APPLICATION OF A. H. HANCOCK OF MADISON, FLORIDA, FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AS A COMMON CARRIER TRANSPORTING PASSENGERS AND LIGHT EXPRESS FROM MADISON TO THE GEORGIA-FLORIDA STATE LINE OVER STATE ROAD NO. 9 DESTINATION QUITMAN, GEORGIA.

1. By Order No. 755 dated June 20, 1935, A. H. Hancock was awarded a Certificate of Public Convenience and Necessity to operate as a common carrier transporting passengers and light express from Madison to the Georgia-Florida State line over State Road No. 9 under schedules and rates filed with his application.

2. Certificate of Public Convenience and Necessity in accordance with said order has never been issued by reason of the

fact that the said A. H. Hancock has never complied with the rules of this Commission by describing his motor equipment; has not obtained nor paid for Railroad Commission number plates; has failed to file liability and property damage insurance and has failed and refused to file copies of his schedules and tariffs. In spite of repeated requests the said A. H. Hancock has failed and refused to comply with these requirements.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that Order No. 755 awarding a Certificate of Public Convenience and Necessity to the said A. H. Hancock of Madison, Florida, be and the same is hereby CANCELED and all authority for operation over the highways of the State described in said Order be and the same is hereby REVOKED.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the city of Tallahassee, Florida, this 19th day of May 1936.

CITATION.

ORDER NO. 867,

DOCKET NO. 100-5.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA.

IN RE: COMPLAINT AGAINST BROWN'S MOTOR FREIGHT
LINES, INC., AS TO VIOLATIONS OF LAW AND RULES
AND REGULATIONS OF THE RAILROAD COMMISSION IN
ITS OPERATIONS UNDER CERTIFICATE OF PUBLIC CON-
VENIENCE AND NECESSITY NO. 91 AND EXTENSIONS
THEREOF.

WHEREAS complaint has been made that Brown's Motor Freight Lines, Inc., is violating the terms and conditions of its Certificate of Public Convenience and Necessity under which it operates over the roads of the State and is violating the rules and regulations of the Commission with respect to such operations:

Therefore you, BROWN'S MOTOR FREIGHT LINES, INC.,
TAKE NOTICE that the Railroad Commission of the State of

Florida charges you with violations of the law and the rules of said Commission and with disregard of the provisions of your Certificate of Public Convenience and Necessity in the following particulars, to-wit:

- (1) A wilful violation of the terms and conditions of your Certificate by extending freight service to points not authorized under such Certificate in that you did operate your Reo Speed Wagon, License GL 2-141 over State road No. 4 to Malabar, Florida, transporting a certain shipment of feeds to Harvey Huggins on or about the 2nd day of June, 1936.
- (2) A wilful violation of the terms and conditions of your Certificate of Public Convenience and Necessity by extending freight service to points not authorized under such Certificate in that you did on or about June 6th, 1936, operate your motor vehicle to-wit: a Reo Speed Wagon with License GL 2-141 over State Road No. 4 to Malabar, Florida, transporting a certain shipment of feed to Harvey Huggins at said Malabar, Florida.
- (3) A wilful violation of the terms and conditions of your Certificate by extending freight service to points not authorized by such Certificate in that you did on the 2d and 6th days of June 1936 operate your motor trucks from Melbourne, Florida, to Malabar, Florida, over State Road No. 4, delivering certain shipments of feed to one Harvey Huggins.
- (4) A wilful violation of the terms and conditions of your Certificate and the rules and regulations of this Commission by transporting on your vehicles merchandise over State Road No. 4 on June 2nd and June 6th, 1936, at water depressed rates; that is to say, that on June 2, 1936 you did transport on your truck with License GL 2-141 over State Road No. 4 from Melbourne, Florida, to Malabar, Florida for delivery to one Harvey Huggins a shipment of feeds as follows:

Pro No. N 907 320 Lbs. at 17c. freight .54
Pro No. N 890 15,000 Lbs. at 15c. freight \$22.50
said pros dated at Jacksonville, Florida, May 28th, 1936.

And further, you did on June 6, 1936 transport by truck with License GL 2-141 from Melbourne, Flor-

ida, to Malabar, Florida, over State Road No. 4, for delivery to one Harvey Huggins a shipment of feed as follows:

Pro. No. 920 5484 Lbs. at 15c. freight \$ 8.22

the above pro dated at Jacksonville, Florida, May 30, 1936.

- (5) A wilful violation of Section 20 of Chapter 14,764 Laws of Florida, Acts of 1931, the same being Section 1335 (19) of the Permanent Supplement to Compiled General Laws of Florida 1927, and of Rule 9 of the Rules and Regulations of the Railroad Commission of Florida, in that you did on June 9th, 1936 accept from Parrish Milling Company of Jacksonville, Florida, to be transported to Parrish Milling Company at Daytona Beach, Florida, over State Road No. 4, 400 bags of Beet Pulp of the weight of 40,000 pounds at a rate of 10c. per hundred pounds, and did transport such shipment of Beet Pulp in small lots and did charge, demand, collect and receive a less or different compensation for the transportation of such property than the rates and charges applicable to such shipment as specified in your tariffs and classification filed with and approved by the Railroad Commission and in effect at said time.
- (6) A wilful violation of the terms and conditions of your Certificate of Public Convenience and Necessity and of Rule 15 of the Rules and regulations of this Commission in that you did on the 10th day of June 1936 operate your Mack truck License GL 2-155 and four wheel trailer License B 1-323 over State Highway No. 4 between Bunnell, Florida, and Daytona Beach, Florida, at 7:25 A. M. said trailer and truck being operated between Jacksonville, Florida, and Daytona Beach, Florida, contrary to the Time Tables and schedules on file with this Commission.
- (7) A wilful violation of the terms and conditions of your Certificate and of the laws of the State of Florida and of Rule 20 of this Commission in that you did on June 10th, 1936 operate your Mack truck, a motor vehicle and four wheel trailer with private license plate and without regular Commission plate, and said four wheel trailer was not

equipped with good and sufficient brakes as required by said rule, and in fact was not equipped with any type of brakes mechanical or otherwise.

And further TAKE NOTICE that on TUESDAY the 21st day of July A. D. 1936 at 10 o'clock A. M. the Railroad Commission of the State of Florida will be in session at its Hearing Room, SUPREME COURT BUILDING, Tallahassee, Florida, to hear and consider whether or not you, Brown's Motor Freight Lines, Inc., are guilty of having wilfully violated and refused to observe the laws of the State of Florida and the rules and regulations of this Commission touching the operation of motor vehicles, and if found guilty thereof to then and there consider what penalty should be imposed against you under the law.

And at said time and place you will have an opportunity to be fully heard on said charges.

WITNESS THE HAND of the Chairman of said Railroad Commission affixed in open session and by its order at Tallahassee, Florida, this 3rd day of July, 1936.

CITATION.

ORDER NO. 868,

DOCKET NO. 338.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA.

IN RE: COMPLAINT AGAINST OWEN RAMSEY, OF PALATKA, FLORIDA, AS TO VIOLATIONS OF THE LAW AND RULES OF THE RAILROAD COMMISSION IN HIS OPERATION UNDER HIS "FOR HIRE" PERMIT.

WHEREAS Owen Ramsey holds a Permit authorizing the transportation of household goods under Rule 59 of this Commission and complaint has been made that he is violating the terms and conditions of said Permit:

Therefore you, OWEN RAMSEY, TAKE NOTICE that the Railroad Commission of the State of Florida charges you with violations of the law and rules of said Commission and with disregard of the provisions of your "For Hire" permit in the following particulars, to-wit:

- (1) A wilful violation of the terms and conditions of your "for hire" permit in that you did on the 27th

day of March 1936 operate your Chevrolet truck with License HFH-501 with Railroad Commission plate 304 over State Road No. 3 transporting for Towers Hardware Company 200 rolls of Light Crescent Roofing at 69c. freight \$138.00 to Palatka, Florida.

- (2) A wilful violation of the laws of the State of Florida and of Rules 20 and 63 in that you did operate your Chevrolet Truck, License HFH-501 with Commission Plate 304 over the highways of the State of Florida on March 27, 1936, transporting freight without permit number being readily visible and in readable form on each side of said vehicle and without having a copy of a manifest accompanying such vehicle.
- (3) A wilful violation of the terms and conditions of your permit in that you did on January 16, 1936, transport for Pratt Food Company of Palatka, Florida, 40 bags of Cottonseed meal contrary to the law and to Rule 59 of the rules and regulations of this Commission.
- (4) A wilful violation of the terms and conditions of your Permit and of the Rules and Regulations of the Commission in that you did transport for compensation freight at various times on the highways of the State as follows:

January 20, 1936—145 sacks of feed for Pratt Food Company from Jacksonville to Palatka, Fla.

February 1st, 1936—One chicken brooder for Pratt Food Company from Jacksonville to Palatka, Florida.

February 7, 1936—170 sacks of feed from Jacksonville to Palatka for Pratt Food Company.

February 15, 1936—100 sacks of Cottonseed Hulls from Jacksonville to Pratt Food Company Palatka, Florida.

And further TAKE NOTICE that on TUESDAY, JULY 21, 1936, at 10 o'clock A. M., the Railroad Commission of the State of Florida will be in session at its Hearing Room, SUPREME COURT BUILDING, Tallahassee, Florida, to hear, consider and determine whether or not you, Owen Ramsey, are guilty of having wilfully violated or refused to observe the laws of this State touching the operation of motor vehicles or any

of the terms and conditions of the Permit as a, "For Hire" carrier heretofore issued to you, or any of the orders, rules and regulations of this Commission, and if found guilty thereof to then and there consider what penalty should be imposed against you under the law.

And at said time and place you will have an opportunity to be fully heard on said charges.

WITNESS THE HAND of the Chairman of said Railroad Commission affixed in open session and by its order at Tallahassee, Florida, this 3d day of July, 1936.

CITATION.

ORDER NO. 869,

DOCKET NO. 100-22.

**BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA**

**IN RE: COMPLAINT AGAINST MRS. AILEEN GREEN FOR
FAILURE TO OPERATE FOR A PERIOD OF NINETY DAYS
AND FOR FAILURE AND REFUSAL TO FILE MILEAGE
TAX REPORT.**

WHEREAS by Order No. 773 dated August 9, 1935 the application of Mrs. Aileen Green for a Certificate of Public Convenience and Necessity authorizing her to transport freight between DeLand and Crows Bluff Landing in order to meet the boat of the Star Truck Line and to hold the truck at Crows Bluff Landing until arrival of the boat was granted, and it has been represented to this Commission that she has failed and refused to operate over such route for a period of ninety days, and has otherwise violated the terms and conditions of said Order:

Therefore you, Mrs. Aileen Green, *TAKE NOTICE* that the Railroad Commission of the State of Florida charges you with violations of the law and of the rules and regulations of this Commission and with disregard of the provisions of your Certificate of Public Convenience and Necessity in the following particulars, to-wit:

- (1) A wilful violation of the terms and conditions of your Certificate of Public Convenience and Necessity authorized by Order No. 773 and of the rules and regulations of this Commission and of the laws

of the State of Florida in that you have failed to operate over the route authorized by said Order No. 773, that is to say between DeLand and Crows Bluff Landing, for a period of ninety days last past.

- (2) A wilful violation of the terms and conditions of your Certificate and of the provisions of the law in that you have failed and refused to file with the Comptroller of the State of Florida a statement showing the mileage made over the public highways of the State for the months of August, September, October, November and December, 1935 and for January, February, March, April, May and June, 1936, and for failure to pay the mileage tax for such mileage and for failure and refusal to file a duplicate copy of such statement with the Railroad Commission of the State of Florida said duplicate copy containing a sworn statement that the mileage taxes due by you have been paid.

And further *TAKE NOTICE* that on Tuesday, July 21, 1936 at 10 o'clock A. M. the Railroad Commission at the State of Florida will be in session at its Hearing Room, SUPREME COURT BUILDING, Tallahassee, Florida, to hear, consider and determine whether or not you, Mrs. Aileen Green, are guilty of having wilfully violated or refused to observe the laws of the State of Florida touching the operation of motor vehicles or any of the terms or conditions of your Certificate heretofore issued to you, or any of the orders, rules or regulations of this Commission, and if found guilty thereof to then and there consider what penalty should be imposed against you under the law.

And at said time and place you will have an opportunity to be fully heard on said charges.

WITNESS THE HAND of the Chairman of said Railroad Commission, affixed in open session and by its order at Tallahassee, Florida, this 3d day of July, 1936.

CITATION.

ORDER NO. 870,

DOCKET NO. 100-62.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: COMPLAINT AGAINST C. & H. TRANSFER COMPANY COMPANY FOR VIOLATIONS OF THE LAW AND THE RULES AND REGULATIONS OF THE RAILROAD COMMISSION IN ITS OPERATIONS UNDER "FOR HIRE" CARRIER PERMIT NO. 140.

WHEREAS complaint has been made that C. & H. Transfer Company, a Certificated common carrier under Certificate No. 147, and also the owner of "For Hire" Permit No. 140, is violating the terms and conditions of its said For Hire Permit No. 140, and is violating the rules and regulations of the Commission with respect to such operation:

Therefore you, C. & H. Transfer Company, *TAKE NOTICE* that the Railroad Commission of the State of Florida charges you with violations of the law and of the rules of said Commission and with disregard of the provisions of your Permit No. 140 in the following particulars, to-wit:

- (1) A wilful violation of the rules and regulations of this Commission in that you did on the 26th day of May, 1936, operate your International Truck with License GFH-77 and your Semi-trailer with License 0-502 without having Commission number plate displayed on said truck, said motor vehicle being loaded with peppers originating at Oakland Park, Florida, and destined for shipment via Clyde Line at Miami, Florida.
- (2) A wilful violation of the terms and conditions of your Certificate of Public Convenience and Necessity in that you did on May 27th, 1936 operate your International Truck with License HFH 1-499 over State Road No. 4 between Deerfield, Florida, and Miami, Florida, loaded with peppers without having a copy of the manifest accompany said shipment and operating the same off schedule in violation of Rules 63 and 15.
- (3) A wilful violation of the law and of the terms and conditions of your Certificate of Public Convenience and Necessity No. 147 and of your "For Hire" Per-

mit No. 140 in that you did on the 28th day of May, 1936, transport a shipment of packing house products for the Rath Packing Company from Miami, Florida, to Fort Lauderdale, Florida.

- (4) A wilful violation of the law and of the rules and regulations of this Commission in that you operate under your Certificate of Public Convenience and Necessity No. 147 and the "For Hire" Permit No. 140 held in the name of Growers and Shippers interchangeably, and without regard to schedule and without adhering to proper rates and tariff, as required by the rules and regulations of this Commission.

And further *TAKE NOTICE* that on Tuesday, the 21st day of July A.D., 1936, the Railroad Commission of the State of Florida will be in session at its HEARING ROOM, SUPREME COURT BUILDING, Tallahassee, Florida, to hear and consider whether or not you, C. & H. Transfer Company, are guilty of having wilfully violated and refused to observe the laws of the State of Florida and the rules and regulations of this Commission touching the operation of motor vehicles, and if found guilty thereof to then and there consider what penalty should be imposed against you under the law.

And at said time and place you will have an opportunity to be fully heard on said charges.

WITNESS THE HAND of the Chairman of said Railroad Commission, affixed in open session and by its order at Tallahassee, Florida, this 3d day of July, 1936.

ORDER NO. 871,

DOCKET NO. 85.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA.

IN RE: APPLICATION OF K. & L. TRANSPORTATION
COMPANY, INC., TO SERVE HILLIARD, FLORIDA, FOR
THE PURPOSE OF DELIVERING FRESH CREAM AND
FRESH MILK TO THE C. C. C. CAMP.

1. K. & L. Transportation Company, Inc., is an interstate carrier operating under Certificate of this Commission between Jacksonville and the Georgia-Florida State line over Highway

No. 4 but is not authorized to perform any intrastate service between Jacksonville and said State line.

2. It now appears that a C. C. C. Camp has been established at Hilliard, Florida, and that Southern Dairies of Jacksonville, Florida, supplies said Camp with fresh cream and/or fresh milk shipped in metal cans, or jacketed or in wooden tubs, iced, and K. & L. Transportation Company, Inc., now handles shipments of these products by transporting the same to Waycross, Georgia, and thence back into the State to Hilliard. That such method of shipment makes the delivery at the C. C. C. Camp at Hilliard, Florida, approximately twelve hours later than could be made if the shipment was handled direct from Jacksonville to Hilliard.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that SPECIAL AUTHORITY is hereby given to K. & L. Transportation Company, Inc., to serve Hilliard, Florida, on its northbound trip from Jacksonville for the purpose of delivering fresh cream and/or fresh milk to the C. C. C. Camp at Hilliard, Florida, only, and for no other purpose.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the city of Tallahassee, Florida, this 7th day of July 1936.

ORDER NO. 872,

DOCKET NO. 100-22.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA.

IN RE: WITHDRAWAL OF AUTHORITY GRANTED TO MRS.
AILEEN GREEN UNDER ORDER NO. 773 TO TRANSPORT
FREIGHT BETWEEN DELAND AND CROWS BLUFF
LANDING.

WHEREAS by Order No. 773 dated August 9, 1935 Mrs. Aileen Green was authorized to transport freight between DeLand and Crows Bluff Landing in order to meet the boat of the Star Truck Line, and to hold her truck at Crows Bluff Landing until arrival of the boat, and

WHEREAS Mrs. Aileen Green paid the mileage on this operation up to and including April 1, 1936, and did on May 18th, 1936, by letter to this Commission ask permission to cease such

operation on the ground that the Star Truck Line was not operating its boats to Crow Bluff Landing and such authority was granted, and

WHEREAS through oversight Citation was issued against Mrs. Aileen Green by Order No. 869 dated July 3, 1936:

Now, therefore, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that authority granted to Mrs. Aileen Green by Order No. 773 dated August 9, 1935 to transport freight between DeLand and Crows Bluff Landing in order to meet the boat of the Star Truck Line be and the same is hereby CANCELED and REVOKED.

It is further ORDERED that Citation issued against Mrs. Aileen Green by Order No. 869 dated July 3, 1936, be and the same is hereby CANCELED.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the city of Tallahassee, Florida, this 14th day of July, 1936.

CITATION.

ORDER NO. 873,

DOCKET NO. 338.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA.

IN RE: COMPLAINT AGAINST OWEN RAMSEY OF PALATKA, FLORIDA, AS TO VIOLATIONS OF THE LAW AND RULES OF THE RAILROAD COMMISSION IN HIS OPERATION UNDER HIS "FOR HIRE" PERMIT.

1. On July 3, 1936, the Railroad Commission issued its written notice or citation to Owen Ramsey charging him with certain violations of the law and rules of the Railroad Commission as set out in detail in said Citation.

2. The said Owen Ramsey was ordered to be present at a hearing to be held on Tuesday, July 21st, 1936, at the Supreme Court Building, Tallahassee, Florida, to show cause why the said Owen Ramsey should not be penalized for such violations as required by law.

3. Pursuant to such notice this matter came on for hearing before the Railroad Commission and said Owen Ramsey appeared by counsel, Mr. C. J. Hancock of Palatka, Florida.

4. On motion the Commission struck ground one of said Citation charging a violation of his "For Hire" Permit by transporting for Towers Hardware Company 200 rolls of Light Crescent Roofing to Palatka, Florida.

5. Thereupon, respondent, through his counsel, waived arraignment and plead guilty to the other counts contained in the said Citation and asked the Commission to be as lenient as possible in imposing penalties upon him for such violations.

6. It appearing from the testimony of Mr. R. J. Hancock, Sheriff of Putnam County, and Senator H. S. McKenzie, that Mr. Ramsey is a good citizen, conscientious and generally law abiding and such violations as he may have committed were through ignorance rather than being wilful:

It is, therefore, CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that Owen Ramsey is found guilty as charged in the said second, third and fourth counts of said Citation and has incurred a penalty for the same which penalty is hereby fixed as follows:

- (1) REVOCATION OF HIS PERMIT AS A "FOR HIRE" CARRIER.
- (2) PAYMENT TO THE STATE TREASURER, TALLAHASSEE, FLORIDA, THE SUM OF TWENTY-FIVE DOLLARS (\$25.00) AS A FINE.

It is further ORDERED that the payment by the said Owen Ramsey of the said sum of \$25.00 imposed herein as a fine will be accepted as full satisfaction of all penalties herein fixed, and upon a proper showing that said \$25.00 has been paid the said Owen Ramsey will be permitted to continue his operations under his "For Hire" carrier Permit.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the city of Tallahassee, Florida, this 5th day of August, 1936.

CITATION.

ORDER NO. 874,

DOCKET NO. 100-5.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA.

IN RE: COMPLAINT AGAINST BROWN'S MOTOR FREIGHT LINES, INC., AS TO VIOLATIONS OF THE LAW AND RULES AND REGULATIONS OF THE RAILROAD COMMISSION IN ITS OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 91 AND EXTENSIONS THEREOF.

1. On July 3, 1936, by Order No. 867 the Railroad Commission issued its written Citation directed to Brown's Motor Freight Lines, Inc., charging it with violations of the law and rules of said Commission and with disregard of the provisions of its Certificate of Public Convenience and Necessity as particularly set out in Counts 1, 2, 3, 4, 5, 6 and 7 of said Citation.

2. In said Citation the said Brown's Motor Freight Lines, Inc., was ordered to appear before the Railroad Commission on Tuesday, July 21, 1936, to show cause, if any, why the said Brown's Motor Freight Lines, Inc., should not be penalized for such violations as required by law.

3. Pursuant to said Order this matter came on for hearing before the Railroad Commission on July 21, 1936, the said Brown's Motor Freight Lines, Inc., appearing through its officers and by its counsel Lloyd Z. Morgan, Esq., and waived arraignment and plead not guilty to the charges contained in the several counts of said Citation.

4. Therefore the Railroad Commission entered into a hearing upon the issues made in this matter and took the sworn testimony of all witnesses on the part of the State and the respondent offered in this cause.

5. And now on this date the said matter coming on for final consideration upon the evidence introduced, and the said Commission being fully advised in the premises do find as follows:

- (a) That Brown's Motor Freight Lines, Inc., is guilty of a wilful violation of the terms and conditions of its Certificate by extending freight service to points not authorized by said Certificate.

(b) That Brown's Motor Freight Lines, Inc., is guilty of a wilful violation of the terms and conditions of its Certificate of Public Convenience and Necessity and of the rules and regulations of this Commission in that it has operated its motor vehicles contrary to its Time Tables and Schedules on file with this Commission.

(c) That Brown's Motor Freight Lines, Inc., is guilty of a wilful violation of the terms and conditions of its Certificate of Public Convenience and Necessity and of the rules and regulations of this Commission and of the laws of the State of Florida in that it has operated its equipment without proper brakes.

5. The Commission further finds that the parallel operation of a boat line on the east coast canal with its motor truck operation over State Road No. 4 from Jacksonville south is not conducive to proper regulation of the motor vehicle portion of said operation; that the conduct of the business of the boat line and of the auto transportation company, and the delivery by truck of freight brought to various destinations by boat, is confusing and renders the inspection of the operation by Motor truck most difficult.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that Brown's Motor Freight Lines, Inc., has incurred a penalty for the violations of the law and the rules and regulations of this Commission as found herein, and said penalty is hereby fixed as follows:

REVOCATION OF THAT PORTION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 91 THAT AUTHORIZES OPERATION FROM JACKSONVILLE ALONG HIGHWAY NO. 4 TO DAYTONA BEACH AND NEW SMYRNA.

It is further CONSIDERED, ORDERED AND ADJUDGED that the said Brown's Motor Freight Lines, Inc., shall cease and desist all of its operations as an auto transportation Company over State Road No. 4 between Jacksonville and New Smyrna, Florida, and points intermediate thereto from and after the 25th day of August, 1936.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the city of Tallahassee, Florida, this 4th day of August, 1936.

ORDER NO. 875,
DOCKET NO. 395.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA.

IN RE: APPLICATION OF MONROEVILLE BUS COMPANY
OF MONROEVILLE, ALABAMA, FOR A CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY AS A COMMON
CARRIER TRANSPORTING PASSENGERS AND LIGHT
EXPRESS BETWEEN THE FLORIDA-ALABAMA STATE
LINE AND PENSACOLA, FLORIDA, VIA STATE ROADS
NOS. 87 AND 7.

1. Pursuant to Notice No. 520 dated July 3, 1936, this matter came on for formal hearing before the Railroad Commission of the State of Florida at its Hearing Room, Tallahassee, Florida, at 10 o'clock A. M., on July 22d, 1936.

Phillip Beall, Esq., represented the applicant.

The L. & N. Railroad Company filed an answer and a protest against the granting of this application but no one appeared personally for the said rail carrier.

2. All parties who desired to be heard were heard and testimony of all witnesses was taken by the Commission, and it having carefully considered said testimony and the evidence produced in this cause, and being fully advised in the premises, finds as follows:

- (a) That Monroeville Bus Company is a corporation duly organized and existing under and by virtue of the laws of the State of Alabama, and it has filed in the office of the Secretary of State of the State of Florida a copy of its Articles of Incorporation, and has paid the State of Florida a charter tax based upon the amount of capital employed within the State, and has received a permit dated March 25, 1936, signed by the Secretary of State of the State of Florida and under the seal of the State of Florida authorizing it to transact business within the State of Florida. That this company now operates in the State of Alabama under Certificate of Public Convenience and Necessity of that State between Atmore and Selma, Ala., and also between Monroe, Atmore and into Mobile. It now seeks a Certificate of Public Convenience and Necessity from this Commission to perform an intrastate

service between the Florida - Alabama State line and Pensacola over Highway No. 87, known as the Atmore Highway, to a junction point near Molino, Florida, with State Road No. 7, and thence over State Highway No. 7 to Pensacola serving Davis, Walnut Hill, Molino, Cottage Hill, Cantonment, Gonzalez and Ensley.

- (b) The applicant produced witnesses from Walnut Hill, Davis, or Davisville, and from Pensacola who testified as to the public convenience and necessity for this operation serving the territory involved, and also statement from the Alabama Public Service Commission as to the reliability of those operating Monroeville Bus Company, and from the bank of Monroeville as to the financial ability of the applicant, and many petitions signed by the various residents along the line of the proposed bus line. These letters and papers were not received in evidence but were placed in the correspondence file of the Commission.

The testimony showed that there were seven communities containing an aggregate population of from 2,000 to 3,000 people who would be served by this bus company who now have no adequate means of transportation, that is to say, Davisville, Nocomas, Pineville, Walnut Hill, Oak Grove and Mason Farm.

- (c) It was further testified that no carrier operates over the Molino-Atmore road but between Molino and Pensacola the Teche Bus Line operates and the L. & N. Railroad serves some of the points. The proposed schedules of the applicant would not conflict with the schedules of these other carriers and the purpose of the applicant is to serve the farmers who live along the Molino-Atmore road who desire to come into Pensacola. The record shows that no one appeared protesting the application.
- (d) The evidence further shows that Road No. 87, known as the Monlino road is now in process of completion by the Road Department and it is not yet all hard surfaced and the applicant desired the Certificate, if granted, to be made effective in sixty (60) days.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the application of Monroeville Bus Company of Monroeville, Alabama, for a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle transporting passengers and light express between the Florida-Alabama State line and Pensacola, Florida, in intrastate commerce over State Highways Nos. 87 and 7 be and the same is hereby GRANTED.

It is further ORDERED that this Order shall be and become effective sixty (60) days from date at which time the applicant is required to begin its operation over said highways.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the city of Tallahassee, Florida, this 5th day of August, 1936.

ORDER NO. 876,

DOCKET NO. 100-68.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA.

IN RE: APPLICATION OF COOPER TRUCK LINE FOR AUTHORITY TO OPERATE AS A PRIVATE CONTRACT CARRIER FOR THE GREAT ATLANTIC & PACIFIC TEA COMPANY BETWEEN JACKSONVILLE AND THE GEORGIA STATE LINE OVER STATE HIGHWAY NO. 4 VIA CALLAHAN AND HILLIARD AND TO ABANDON ITS OPERATION OVER HIGHWAY NO. 11 BETWEEN MONTICELLO AND THE GEORGIA-FLORIDA LINE AND OVER HIGHWAY NO. 10 BETWEEN TALLAHASSEE AND THE GEORGIA-FLORIDA LINE.

1. Pursuant to Notice No. 520 dated July 3, 1936, this matter came on for hearing before the Railroad Commission of the State of Florida at its Hearing Room, Supreme Court Building, Tallahassee, Florida, at 10 o'clock A. M., on July 22, 1936.

Edgar M. Felson, Esq., appeared for the applicant.

F. B. Langley, Esq., appeared for Atlantic Coast Line Railroad Company.

2. The evidence in this cause showed that Cooper Truck Line now operates under contract with the Great Atlantic & Pacific Tea Company, which contract is on file with this Commission, and under said contract operates in both intrastate and inter-

state commerce, operating into Georgia on Tuesday and Wednesday of each week. It presently operates into Georgia serving Valdosta, and Tifton by coming up to Monticello over Highway No. 1 and then going into Georgia over State Road No. 11, and by operating from Jacksonville to Tallahassee over State Road No. 1 and thence over State Road No. 10 to the Georgia-State line. It now desires to substitute a service from Jacksonville to the Georgia-State line over State Highway No. 4 and abandon its operations from Monticello and from Tallahassee to the Georgia-State line. By this substitution it would save the applicant about fifty miles each way and that it is agreeable to the A. & P. Tea Company that it serve its Georgia points. over State Highway No. 4.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the application of Cooper Truck Line to operate over State Highway No. 4 via Callahan and Hilliard between Jacksonville and the Georgia state line for the purpose of getting into Georgia and serving points it now serves in Georgia but with no authority to serve either Callahan or Hilliard, be and the same is hereby GRANTED.

It is further ORDERED that its present authority to operate over Road No. 11 between Monticello and the Georgia State line and over Road No. 10 between Tallahassee and the Georgia State line is CANCELLED AND WITHDRAWN.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the city of Tallahassee, Florida, this 5th day of August, 1936.

ORDER NO. 877,

DOCKET NO. 100-51.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA.

IN RE: APPLICATION OF WAYNE F. MCJUNKIN OF FERNANDINA, FLA., FOR AN EXTENSION OF HIS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 42 AUTHORIZING HIM TO OPERATE BETWEEN YULEE AND JACKSONVILLE OVER STATE ROADS NOS. 13 AND 4 AS A COMMON CARRIER TRANSPORTING PASSENGERS, BAGGAGE AND EXPRESS ON DAILY SCHEDULE.

1. Pursuant to Notice No. 520 dated July 3, 1936, this matter came on for formal hearing before the Railroad Commission

of the State of Florida at its Hearing Room, Supreme Court Building, Tallahassee, Florida, at 10 o'clock A. M., on July 22, 1936.

A. G. McArthur, Esq., appeared for the applicant.

W. J. Oven, Esq., appeared for receivers of Seaboard Air Line Railway Company.

F. B. Langley, Esq., and Geo. A. K. Sutton, Esq., represented Atlantic Coast Line Railroad Company.

J. R. Hunter, Esq., appeared for Railway Express Agency.

A. C. Roland, Esq., appeared for Southeastern Management Company and Union Bus Company.

2. The Applicant now operates under Certificate of Public Convenience and Necessity No. 42 from Fernandina to Yulee over State Road No. 13, and thence from Yulee into Jacksonville over State Road No. 3. He now desires to operate from Fernandina through Yulee to Callahan over State Road No. 13, and thence from Callahan to Jacksonville over State Road No. 4 serving all intermediate points. Applicants now leaves Fernandina at 7:30 A. M., and 3:30 P. M., and leaves Jacksonville at 9:30 A. M. and 5 o'clock P. M. Applicant proposes an operation over the new route to leave Jacksonville at 10:00 A. M. and arrive Fernandina 11:30 A. M. Leave Fernandina at 3:00 P. M. and arrive Jacksonville 4:35 P. M. The Atlantic Greyhound Lines and the Southeastern Greyhound Lines now operate bus service between Jacksonville and Callahan but operate no service into Fernandina. There is also rail service between Jacksonville and Callahan and also rail service between Yulee and Fernandina.

3. The main purpose of this applicant seems to be to serve the territory between Callahan and Fernandina, and also to provide a quicker transportation into Fernandina for those who desire to come in through Georgia and other points. At present this class of passengers must come in over the bus lines or the railroad into Jacksonville and there lie over for sometime before being enabled to get a bus line directly to Fernandina. It is hoped and expected that with this service from Callahan to Fernandina those who desire to go to Fernandina will travel by bus to Callahan and there make connection with the applicant's bus directly into Fernandina. It seems to be a service that would be convenient both to Callahan and Fernandina.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the

application of Wayne F. McJunkin for an extension of Certificate No. 42 authorizing him to operate between Fernandina and Callahan over State Highway No. 13, and thence from Callahan to Jacksonville over State Road No. 4 and return under the schedules set out herein, transporting passengers and light express, be and the same is hereby GRANTED.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session as its office in the city of Tallahassee, Florida, this 5th day of August, 1936.

ORDER NO. 878,
DOCKET NO. 394.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA.

IN RE: APPLICATION OF SOUTHERN DISTRIBUTING COMPANY, INC., OF MIAMI, FLORIDA, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AS A COMMON CARRIER OF PASSENGERS, BAGGAGE, EXPRESS AND FREIGHT ON DAILY SCHEDULE BETWEEN MIAMI AND SOUTH BAY OVER STATE ROAD NO. 26 AND BETWEEN FORT LAUDERDALE AND TWENTY-MILE BEND OVER STATE ROAD NO. 26-A.

1. Pursuant to Notice No. 520 dated July 3, 1936, this matter came on for formal hearing before the Railroad Commission of the State of Florida at its Hearing Room, Tallahassee, Florida, on July 22, 1936.

Cecil A. Turner, Esq., represented the applicant.

A.Y. Milam, Esq., represented Florida Motor Lines.

A. Pickens Coles, Esq., represented Tamiami Trail Tours, Inc.

Waller & Pepper represented K. & L. Motor Lines.

J. H. Elliott, Esq., represented Elliott-Young Consolidated.

2. A record was made of the sworn testimony of all parties who desired to be heard in this cause and the Commission having carefully examined the same, and being fully advised in the premises, do find as follows:

- (a) The Southern Distributing Company, Inc., is a Florida corporation now engaged largely in the sale and distribution of seed potatoes, beans and

other farm seeds and products, insecticides and guano. It has been operating as sales agent for various seed growers in the north and distributing these seeds through the southeast Florida area from Okeechobee to the lower glades land. It now desires a Certificate to operate an auto transportation company transporting both persons and property from Miami through Dade, Broward and Palm Beach Counties to South Bay over State Road No. 26, and from a point on State Road No. 26 to Fort Lauderdale over State Road No. 26-a. The purpose of this application, and of the operation, was stated to be not only to cater to the small farm communities for the profit which may accrue to the company but to render assistance and encouragement to the end that the smaller truck growing communities may become more prosperous and individual citizens more independent and self-sustaining. The route at present passes through a wild and undeveloped section of the eastern Everglades and through communities not now being served by any transportation company.

It is not the purpose of the applicants to engage in a State-wide transportation system but to concentrate its efforts exclusively to the southern portion of the State and to short line hauls, and particularly to serve as a transportation medium between the truck farmers and refrigerated vessels to the north and eastern markets.

- (b) It proposes a schedule for its passenger operation leaving Miami at 8:00 A. M. and 12:00 noon and leaving South Bay for Miami at 8:00 A. M. and 2:30 P. M. daily. For its freight operations it proposes to leave Miami at 7:30 A. M. and arrive South Bay 10:30 A. M. and leave South Bay at 2:00 P. M. arriving in Miami at 5:30 P. M. It also proposes to make connection at Twenty-Mile Bend with its freight trucks from Fort Lauderdale.

Applicant's witnesses testified that at present that Road No. 26, over which they propose to operate, is not now open for traffic and will not be for at least another year. That there are long stretches of road that have not been built, and that there is now no public convenience and necessity for an operation over said road and there can be no method of travel until that road is completed.

- (c) The State Highway Engineer was a witness in this case and testified that the distance from South Bay to Twenty-Mile Bend is 37.7 miles, from Twenty-Mile Bend to the Dade-Broward County line is approximately 14.5 miles. That this mileage, that is 52.2 miles, has not been built and that the estimate for the cost of the road from South Bay to the Dade County line is \$1,615,000.00; that the Road Department has set up in the regular Federal Aid programme of 1936 the sum of \$644,300.00. In the 1937 regular Federal Aid programme it has set up \$453,000.00 or a total of \$1,097,300.00 for which the State has to provide half. The additional money needed to complete the grading of the road will be approximately \$403,700.00, for which there has been no allocation. He further testified that it would be impossible to start on part of this road until 1937, and it would be possibly 1938 or 1939 before it could be completed.
- (d) That so far as State Road No. 26, from Miami to South Bay, is concerned, it is not a completed highway, and no public convenience and necessity exists for service over the same.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the application of Southern Distributing Company, Inc., of Miami, Florida, for a Certificate of Public Convenience and Necessity to engage in common carriage of passengers, baggage, express and freight between Miami and South Bay via State Road No. 26, and between Twenty-Mile Bend and Fort Lauderdale via Road No. 26-a, be and the same is hereby DENIED without prejudice to the applicant to submit proof that public convenience and necessity requires such operation.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the city of Tallahassee, Florida, this 5th day of August, 1936.

ORDER NO. 879,

DOCKET NO. 216.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA.

IN RE: APPLICATION OF L. R. POWELL, JR., AND HENRY W. ANDERSON AS RECEIVERS OF SEABOARD AIR LINE RAILWAY COMPANY FOR AN EXTENSION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 183 TO OPERATE IN COMMON CARRIAGE OF FREIGHT AND EXPRESS BETWEEN LIVE OAK, FLORIDA, AND RIVER JUNCTION, FLORIDA.

1. Pursuant to Notice No. 518 dated April 6, 1936, this cause was set down for hearing before the Railroad Commission of the State of Florida on the 21st day of April 1936 and was by consent of counsel postponed to a later date.

2. Pursuant to Notice No. 518-A dated April 14, 1936 this matter came on pursuant to postponement for hearing before the Railroad Commission at the Supreme Court Building, Tallahassee, Florida, on May 6th, 1936. Then and there appeared the following:

W. J. Oven, Esq., T. W. Parsons, Esq., and F. H. Bryant, Esq., for Receivers of Seaboard Air Line Railway Company.

F. B. Langley, Esq., Geo. A. K. Sutton, Esq., and Blair Foster, Esq., for Atlantic Coast Line Railroad Company.

C. J. Gunn, Esq., for University City Transfer Company.

Claude Pepper, Esq., for Union Bus Company.

J. Malcolm Johnson, Esq., for Acme Freight Lines.

Stanton Walker, Esq., for H. T. Pace, Inc.

Leo P. Kitchen, Esq., for L. & L. Freight Lines, Inc.

3. This matter coming on further to be heard on the record in these proceedings, and it appearing that all parties entitled to notice and to be heard have received notice and have been heard, and the Railroad Commission of the State of Florida being fully advised in the premises, and having reached conclusions as expressed in its opinion this date filed in this proceeding, and made a part of this Order:

It is, therefore, CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the application of L. R. Powell Jr., and Henry W. Anderson as

Receivers of the Seaboard Air Line Railway Company for an extension of Certificate of Public Convenience and Necessity No. 183 to operate in common carriage of freight and express by motor vehicle between Live Oak, Florida, and River Junction, Florida, be and the same is hereby DENIED without prejudice to the applicant to make a showing of public convenience and necessity for such operation.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the city of Tallahassee, Florida, this 5th day of August, 1936.

Commissioner Douglass dissents.

OPINION.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA.

IN RE: APPLICATION OF L. R. POWELL, JR., AND HENRY W. ANDERSON, AS RECEIVERS OF SEABOARD AIR LINE RAILWAY COMPANY FOR AN EXTENSION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 183 TO OPERATE IN COMMON CARRIAGE OF FREIGHT AND EXPRESS BETWEEN LIVE OAK, FLORIDA, AND RIVER JUNCTION, FLORIDA.

The Seaboard Air Line Railway Company, through its receivers, was granted a Certificate of Public Convenience and Necessity No. 183 which authorizes it to operate as a common carrier transporting passengers, mail and express between Monticello and Drifton over State Highway No. 11 by Order No. 590 dated April 20, 1933. This was a substituted service for trains Nos. 134, 135, 136 and 137 formerly operated between Drifton and Monticello.

By Order No. 716 dated November 26, 1934 this Certificate of Public Convenience and Necessity was extended to permit the operation over State Highways Nos. 5 and 13 between Tampa and Brooksville and Waldo and Morriston in freight service operating motor trucks for the sole purpose of transporting express or through freight which was delivered to it at its railway station, said delivery to be from station to station with no pick-up or store door delivery at Tampa, Brooksville, Waldo or Morriston or any intermediate points.

By Order No. 777 dated August 6, 1935, the Receivers of the Seaboard Air Line Railway Company were authorized to operate

a daily motor vehicle common carrier service between Jacksonville and Wildwood over State Roads Nos. 1, 13, 31 and 2 for the purpose of transporting such freight and express as is delivered to the carrier for transportation at its own freight stations and depots with no pick-up and store door delivery at Jacksonville or Wildwood, or any intermediate points, but only to transport the freight and express delivered to it at its stations for transportation by steam railroad.

By Order No. 795 dated October 16, 1935, the Receivers of Seaboard Air Line Railway Company were authorized to operate an auto transportation company transporting freight, passengers, express and mail between Yulee and Fernandina only and operating between stations or depots only over State Road No. 13. This was also a substituted service and the rail carrier was permitted to transport only the passengers, mail and express and an occasional L. C. L. shipment of freight delivered to it for transportation at its own freight stations and depots, and was permitted to make no pick-up or store door delivery at Fernandina or Yulee or any intermediate points.

By Order No. 818 dated December 27, 1935, service under this Certificate was extended to permit it to substitute for rail service, service by motor vehicle from Tampa to Brooksville over State Highways Nos. 17, 15, 210 and 5, and thence return from Brooksville to Tampa as originally permitted under Order No. 716, transporting only such tonnage as is delivered to it for transportation by steam railroad and to make no pick-up or deliveries as between stations and performing the same kind of service over the route that it was authorized to perform originally between Tampa and Brooksville by Order No. 716.

The present application is for a motor truck operation to be in coordination with and in supplement to applicants' present rail service, operating trucks from station to station, depot to depot only, where store door pick-up and delivery is now furnished by applicants, but with the right in the interest of the public to operate store door pick-up and delivery at the following stations:

DICKERT, FALMOUTH, ELLAVILLE, LEE,
GREENVILLE, AUCILLA, DRIFTON, LLOYD,
CAPITOLA, CHAIRES, LITTMAN, GRETNAL and
MT. PLEASANT.

These stations in the main are non-agency stations where traffic is light and no contract can reasonably be made for store

door pick-up and delivery with private parties in communities mentioned.

Applicants pray leave herein that in coordination with and in supplement to their present service that if, as and when the public interest may require, applicants be permitted in the discretion of the Commission to install store door pick-up and delivery service at all stations on the route served by the applicant; this truck service to connect at Live Oak with package car service leaving Jacksonville on Train No. 83 about 8:00 P. M. and arriving at Live Oak around midnight, and connecting at River Junction with the L. & N. Railroad Company for points west, with Apalachicola Northern Railroad Company for points south, and with Atlantic Coast Line Railroad Company for points north. The applicants desire to operate over State Highways Nos. 1, 11, 19, 27, 42 and 43 and County Roads.

At the hearing protests were made to the hearing of this application and motion was made to dismiss it by counsel for Union Bus Company, H. T. Pace, Inc., and Acme Freight Lines, on the ground that the statute prohibited the Commission from hearing this application as it was a similar application to those heard and denied by the Commission on February 25, 1936 and the Commission should not entertain any further application for this route until the expiration of six months from the time of such denial. Protests were further made on the ground that protestants, Union Bus Company, H. T. Pace and Acme Freight Lines have had similar applications before this Commission to operate over this line and extensive hearings were held, a large record consisting of about 3600 pages was made and the Commission denied the applications on the ground that no public convenience and necessity existed for such operation, and therefore, the Commission should dismiss the present application on the grounds.

The Commission denied the Motion to Dismiss on the ground that it could not hear the application until the expiration of six months from the denial of the other application because this was not a similar application, did not cover the identical or similar routes, schedules or service. Action on the other grounds of the Motion were reserved until testimony was taken.

The evidence in this case shows that it is the purpose of the applicants to bring all merchandise, less than carload lots, from Jacksonville and points east to Live Oak in a package car by fast freight that is due to reach Live Oak around midnight. The package car will then be set off at Live Oak and the fast freight train will continue on its run. The freight in the

package car will then be loaded on trucks and leave Live Oak about 7:05 A. M. and the freight at agency stations where pick-up and store door delivery is now in operation will be delivered to the depot, but at non-agency stations such as Dickert, Falmouth, Ellaville, Aucilla, Drifton, Lloyd, Capitola, Chaires and Gretna, the freight will be delivered directly from the road truck. For instance, if there is freight on the truck for Aucilla, the truck will leave State Highway No. 1 and go into Aucilla on State Road No. 42 and deliver the freight to the consignees. The truck would then return to Road No. 1 go on to Monticello, and if there was freight for Drifton, it would go into Drifton over State Road No. 11 and deliver the freight; it would then return to Monticello and continue over Road No. 1 to the junction of Road No. 43 and Road No. 1 and go down Road No. 43 to Lloyd, deliver the freight then continue over county roads to Capitola and Chaires making deliveries at each point, then continue to Road No. 19 and come into Tallahassee over State Road No. 19. From Tallahassee it would continue similar service at Havana, Littman and Gretna and reach River Junction at about 3:30 P. M. On the reverse schedule from River Junction to Live Oak similar service will be rendered to these non-agency stations.

The contention of the applicants as to this service is aptly set forth by its counsel as follows:

"It is contended by the applicant that this proposed service is not only substituted for, but is supplemental to and in coordination of its rail service. The point we make here is this: Each and every of the stations shown in the proposed schedule of the truck is now and have been for many years served by rail. By loading the goods consigned to these stations in one package car from Jacksonville, reaching Live Oak in the middle of the night, all of the stations will receive prompt store door pick-up and delivery service from the trucks the next day. It might be contended that this alone is an additional service. In a sense it is, but, on the other hand, it is a substituted service as explained by the witness Parsons, in that in lieu of the train stopping at each of these places to unload and in lieu of the use of numerous package cars to cover different points along the route, all of the goods will move to Live Oak in 1 car, move thence by truck, and from Live Oak westward the fast freight moves without having to stop, saving an expense of at least \$2.00 per stop in money, 15 minutes per stop in time, and re-

sulting in a saving to the Receivers of 13,208 car miles per month or a saving of \$264.16 per month on the operation insofar as the Receivers are concerned, and resulting in a better service to these small communities insofar as the public is concerned, in addition to speeding up the through freight service moving westward out of Jacksonville and eastward out of River Junction, though as shown by the record the major portion of the tonnage movement is from east to west, rather than from west to east.

"The granting of the application in no way encroaches upon the rights of any common carrier motor truck line because no common carrier motor truck line is serving the territory in question. Not one word of evidence was offered by any one of the objectors to show that the granting of the application would have any injurious effect, or in fact any effect whatever, upon them or either of them."

The contention was made by the applicants that while the freight train bringing this package car to Live Oak and River Junction would not cease its operations, it would be enabled to cut off four package cars that it now sets off at various points and serve these points by truck, and that the car mile per month made by these package cars amounted to around 13,308 miles, and the out-of-pocket expense of operating them \$264.16. The evidence further shows that the applicants, over their entire road, suffered a considerable loss in operations for the year 1935 and that every small saving they could make would be a help.

An examination of all of the Orders entered by this Commission permitting service by truck by the Receivers of the Seaboard Air Line Railway Company will show that such authority has been grounded upon the statement that it is a purely substituted service; that the carrier would be permitted to transport only such freight or passengers as were delivered to it at its stations for transportation; would make no pick-up and delivery between stations and that no pick-up or delivery service is permitted at freight terminals or at intermediate stations, and for this reason such service would be non-competitive with other certificated truck carriers for the reason that the freight and passengers to be transported by the rail carrier were those who were to be transported in the first instance over its steam railway, and the certificated carriers could

in no event make such transportation. In addition, such service was made conditional and temporary and the carrier was required to resume rail service when the increase in revenue from such service required it.

The Supreme Court of Florida in the cases of *CENTRAL TRUCK LINES vs. RAILROAD COMMISSION*, 160 SO. 22; and *McJUNKIN vs. RAILROAD COMMISSION, ET AL*, 165 SO. 368, sustained the Order of this Commission holding that the statute warranted the Commission "to grant a limited Certificate of Public Convenience and Necessity confined in its effect to a mere commutation of rail service into a motor carrier service, where there is no grant of a general or permanent privilege to the railroad carrier to perform an additional motor vehicle service on the highways beyond its own stations."

CENTRAL TRUCK LINES,

vs.

RAILROAD COMMISSION,

supra.

It is admitted that since Certificate of Public Convenience and Necessity No. 183 was issued to Receivers of Seaboard Air Line Railway Company that this company has put in throughout its system at agency stations pick-up and store door delivery, and it also asks in this application to operate store door pick-up and delivery at non-agency stations along the proposed route.

It is the opinion of the Commission that the proposed service is dissimilar to the substituted service heretofore authorized, and the granting of this application would constitute the rail carrier a common carrier by motor vehicle.

By Section 27 of Chapter 14,764 Acts of 1931 Railroad Companies are authorized to operate motor vehicles for hire upon the highways, and the Commission is authorized to grant to these companies Certificates of Public Convenience and Necessity to so do but it is prohibited from granting such Certificates without proof of public convenience and necessity such as would be required by an independent motor carrier.

A majority of the Commission believe that the terms of the application properly construed constitutes the applicant an independent motor carrier, and before a Certificate of Public Convenience and Necessity could be issued to it public convenience and necessity must be shown. This is not done.

An appropriate Order should be entered denying the application without prejudice to the applicant to make the proper showing of convenience and necessity.

CONCURRING OPINION OF COMMISSIONER CARTER.

Commissioner Jerry W. Carter concurs in the conclusion reached by a majority of the Commission that the application of the Seaboard Air Line Railway Company for an extension of Certificate of Public Convenience and Necessity No. 183 be denied, but bases his decision in part upon different grounds from that expressed in the opinion filed this day with the order of the Commission.

At the meeting of the Commission held August 5, 1936, when this application and the testimony produced at the hearing thereon were considered, the following proceedings took place as shown by the minutes of the meeting:

"DOCKET NO. 216. Douglass offered motion to grant S. A. L. Certificate to operate depot to depot service by trucks but that they not be allowed to operate pick-up and delivery service by trucks. Matthews offered substitute motion that Application be denied on grounds that it is not a substituted service and that the railroad having instituted pick-up and delivery service throughout their system that the granting of this application would be tantamount to granting S. A. L. a Certificate of Convenience and Necessity without a proper showing as contemplated by law. VOTE: Matthews—Yes; Carter—yes; Carter votes yes on the substituted motion and moves to reopen all the cases decided by the Commission's Order entered February 26, 1936, and further moves that all interested parties shall have a right to submit applications and offer proof as to Necessity and Convenience and that this application be denied without prejudice in order that the citizens and business houses may have the service that they are entitled to if their roads are to be used in this manner. Carter and Matthews having voted for the substitute motion the original motion fails and the substitute motion is passed."

I agree with Commissioner Douglass in the substance of his motion in that it has been the policy of the Commission, in its efforts to assist the railroads in reducing their expenses and

affording better service, to authorize a depot to depot only service by motor truck without permitting any pick-up and delivery in the cities and towns. But, since there are no certificated truck lines operating the territory described in this application, the granting of his motion would have the effect of requiring the only common carrier trucks operating this route to pass directly by the places of business of the merchants and trades people in the small towns along the route and adjacent thereto. These people would have to travel to some depot to get or ship their freight, at which there would be no agent in the smaller places, while shippers and merchants in the larger towns are now given pick-up and delivery service by the railroad. I can see no basis for such a discrimination. If the highways are to be further congested by permitting more trucks to operate, the service given should be complete and as convenient to all as is possible. If any truck service is to be allowed it should include pick-up and delivery service for all shippers and receivers of freight along and adjacent to the route without necessitating the expense and inconvenience of their having to go to the depot for freight that had been hauled right by their door.

However, I agree with Commissioner Matthews in that to grant such a pick-up and delivery service to the railroad would be granting more than a purely substituted service, would constitute the rail carrier a common carrier by motor vehicle, and should be denied because no showing of convenience and necessity has been made.

I am of the further opinion, since the Commission has denied this application without prejudice to the applicant to make the proper showing of convenience and necessity, that the whole question of the convenience and necessity to the public for a motor carrier operation over State Highway No. 1 between Live Oak and River Junction should be reopened without prejudice to all applicants whose applications have been considered and denied within the required statutory six months. This in fairness to previous applicants whose applications for certificates to operate over this route were denied by the Commission on February 25, 1936. These applications were denied on the ground that "the evidence does not affirmatively show that 'public convenience and necessity requires or will require such operation.'" This writer is of the opinion that, if the applicant is to be granted the privilege of showing convenience and necessity for a truck operation over this route, other applicants whose applications have been denied within the required statutory six months, should again be given a like privilege at the same hearing. They may be able to bring out additional evi-

dence in support of their proposals, or it may be that the evidence which the present applicant could produce, together with that of the previous applicants, would then show sufficient convenience and necessity for this Commission to grant to someone the certificate.

I believe that any truck service over this route must be a complete one, as I have stated above, and that convenience and necessity must be shown as a prerequisite to the granting of it, and that all interested should be heard at one time since there is no certificated truck service in this territory, and only by a complete hearing of the whole matter could the Commission reach a proper decision.

ORDER NO. 880,

DOCKET NO. 100-121.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN THE MATTER OF JOINT APPLICATION OF FLORIDA MOTOR LINES, INC., AND FLORIDA BUS & TERMINAL (CORPORATION FOR APPROVAL OF TRANSFER OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 8, BY FLORIDA MOTOR LINES, INC., TO FLORIDA BUS & TERMINAL CORPORATION, COVERING ALL OPERATING RIGHTS AND FRANCHISES OF THE FLORIDA MOTOR LINES, INC.

1. Pursuant to Notice No. 523 dated July 31, 1936, this matter came on for formal hearing before the Railroad Commission of the State of Florida at its Hearing Room, Supreme Court Building, Tallahassee, Florida, on Tuesday, August 18, 1936 at 10 o'clock A. M.

A. Y. Milam, Esq., appeared for the applicants.

2. It appearing that the joint application of Florida Motor Lines, Inc., and Florida Bus & Terminal Corporation is in due and legal form, and it further appearing that the transfer and assignment of the property rights and franchises of the Florida Motor Lines, Inc., has been authorized and approved by its stockholders, and a certified copy of the resolution of its stockholders approving such assignment and transfer has been filed with this Commission; and it further appearing that the assumption of obligations and liabilities of the Florida Motor Lines, Inc., by

Florida Bus & Terminal Corporation has been approved by its Board of Directors, and by its stockholders, as evidenced by certified copy of resolution of its stockholders approving such assignment and transfer; and it further appearing that the Florida Bus & Terminal Corporation has agreed to file the proper reports for the year 1936 with this Commission:

It is, therefore, CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the transfer and assignment of Certificate of Public Convenience and Necessity No. 8, by Florida Motor Lines, Inc., to Florida Bus & Terminal Corporation, be and the same is hereby APPROVED, and Florida Bus & Terminal Corporation is hereby authorized and directed to take over said operation in common carriage of passengers, baggage and express, and to maintain and conduct the same.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 18th day of August, 1936.

ORDER NO. 881,

DOCKET NO. 169.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: APPLICATION OF WM. F. PENDLETON OF VALDOSTA, GEORGIA, FOR A CERTIFICATE OF REGISTRATION AS AN INTERSTATE CARRIER OPERATING FROM JACKSONVILLE TO LAKE CITY OVER HIGHWAY NO. 1, AND TO GEORGIA-FLORIDA STATE LINE OVER HIGHWAY NO. 2, AND ALSO OPERATING FROM JACKSONVILLE TO THE GEORGIA-FLORIDA STATE LINE OVER HIGHWAY NO. 4.

1. William F. Pendleton of Valdosta, Georgia, filed his bill of Complaint in the Circuit Court of the Fourth Judicial Circuit of Florida in and for Duval County alleging that he has been operating continuously as a common carrier by motor vehicle engaged exclusively in interstate commerce between Valdosta, Georgia, and Jacksonville, Florida, over State Highway No. 4, and over Florida State Highway No. 1 from Jacksonville to Lake City, and thence from Lake City to the Georgia-Florida State line over Highway No. 2, since September 7, 1932, and applied for an injunction against the members of the Railroad Commission and their inspectors, and agents, enjoining them

from arresting or causing the arrest of or molesting or interfering with the motor vehicles of the said Wm. F. Pendleton so long as he is engaged in interstate commerce and not violating any of the laws, rules or regulations of the State of Florida.

2. Temporary restraining order was entered by the Judge of said Circuit Court on May 27, 1936 enjoining and restraining the members of the Railroad Commission and their inspectors and agents from molesting or interfering with the motor trucks of the said Wm. F. Pendleton "so long as the same are conducted and operated exclusively in interstate commerce and not in conflict with the provisions of the Federal Motor Carrier Act 1935, 49 U. S. C. A., Sections 301-327, nor in conflict with the tax laws of the State of Florida with respect to the length, width, size weight and equipment of motor vehicles operated and the laws of the State of Florida regulating the manner of the operation of such vehicles over Florida highways." This order further provided that injunction should not take effect until a bond was given, and was further conditioned that "plaintiff will pay all mileage taxes lawfully accruing by virtue of its operation from its inception;" and further that the injunction should not take effect until an application has been made to the Florida Railroad Commission for a Certificate of Registration. The Order further provided "in making such application to the Florida Railroad Commission, the plaintiff shall offer to pay all mileage taxes lawfully due to the State of Florida by virtue of his operation from its inception, and such tax shall be paid prior to the issuance of such Certificate of Registration."

3. Wm. F. Pendleton filed an application for Certificate of Registration with this Commission on the regular printed form provided by this Commission, and also filed a typewritten paper purporting to be an application stating the terms and conditions of the temporary restraining order issued by the Judge of the Circuit Court of the Fourth Judicial Circuit of Florida in and for Duval County, and included in said typewritten statement, the following:

"5. That the applicant stands willing, ready, and able to pay all mileage taxes which have accrued or which shall accrue pending the granting or denying of this application, and/or pending the granting or denying of the application on file before the said Interstate Commerce Commission, but while applicant stands ready, willing, and able to pay all mileage taxes which have lawfully accrued since the inception of this service, he specifically denies any liability for taxes which

have accrued or which will accrue prior to the issuance of the application."

4. Section 16 of Chapter 14764, Laws of Florida 1931 (Sec. 1337 (16) Permanent Supplement to Compiled General Laws of Florida 1927) imposes the duty of collecting mileage taxes upon the Comptroller of the State of Florida, and authorizes him to prescribe the method of reporting mileage taxes, and requires that a monthly report showing all mileage made over the highways of the State of Florida shall be fixed with the Comptroller and a duplicate copy thereof with the Railroad Commission together with a sworn statement that the tax has been paid. Wm. F. Pendleton has not filed his reports with the Comptroller, nor has he filed in duplicate such reports with this Commission. While Paragraph 5 of the application for Certificate of Registration, quoted above, is ambiguous, it seems to be the position of the applicant that he is not liable for any mileage tax covering any operation made by him over the roads of the State of Florida prior to the issuance of a Certificate of Registration.

5. In the opinion of the Commission this is unsound. If, as claimed by the applicant in the sworn bill of complaint upon which temporary restraining order was obtained, as aforesaid, he has been operating since some date prior to the 7th day of September, 1932, and that he was lawfully entitled to a Certificate of Registration from this Commission during all of this period as an exclusive interstate carrier, and did apply to the Railroad Commission for a Certificate of Registration, and did agree under oath to comply with all laws and the rules and regulations of the Commission touching such operation; and, further, notwithstanding the refusal of the Railroad Commission of the State of Florida to register his trucks or grant such Certificate, he has continuously operated his trucks over the highways of the State of Florida, a Certificate of Registration ordered by the Court to be awarded to this applicant under such circumstances will relate back to the date he claims that he was entitled to it, and the applicant as such certificated carrier will be subject to and amenable to the law and the police regulations of the State, including payment of all compensatory mileage taxes for the use of the highways from the inception of his operation. The duty is on the applicant, William F. Pendleton, to file a sworn statement of the number of miles he has traveled over the highways of the State of Florida as a common carrier engaged in interstate commerce with the Comptroller of the State of Florida, and pay a mileage tax for such operation at the rates set out in the law, and to file a duplicate copy of this report with this Commission and attach an affidavit thereto that the mileage tax has

been paid, and that he has complied with all other police regulations of the State of Florida.

Wherefore, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the application for a Certificate of Registration filed by the said Wm. F. Pendleton does not comply with the law and the rules and regulations of this Commission, and the Order of the Court granting temporary restraining order and the same is hereby DENIED.

It is further ORDERED that if the said Wm. F. Pendleton shall within ten (10) days from the date of this order file the mileage tax reports, as required by law, and pay the compensatory mileage taxes for the use of the highways of the State of Florida, which said reports shall reflect, and otherwise comply with the police regulations of the State of Florida, a Certificate of Registration will issue to him.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 25th day of August, 1936.

ORDER NO. 882,

DOCKET NO. 309.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: APPLICATION OF WM. M. THOMAS DOING BUSINESS AS THOMAS TRUCK LINE FOR A CERTIFICATE OF REGISTRATION AS AN INTERSTATE CARRIER BY MOTOR VEHICLE BETWEEN JACKSONVILLE AND THE GEORGIA-FLORIDA STATE LINE, USING HIGHWAYS NOS. 1 AND 2 VIA LAKE CITY, AND ALSO THE AUTHORITY TO OPERATE BETWEEN JACKSONVILLE AND THE GEORGIA-FLORIDA STATE LINE OVER HIGHWAY NO. 4.

This matter coming on for consideration before this Commission upon the application of Wm. M. Thomas, doing business as Thomas Truck Line, for a Certificate of Registration as an exclusive interstate carrier by motor vehicle operating between Jacksonville and the Georgia-Florida State line over Highways Nos. 1 and 2 via Lake City, or when the business of petitioner so requires using route from Georgia-Florida State line to Jacksonville, Florida, over State Highway No. 4, and it appearing

that the applicant, Wm. M. Thomas, has procured a temporary injunction out of the Circuit Court of the Fourth Judicial Circuit in and for Duval County, restraining the members of this Commission and their inspectors and agents from molesting or interfering with the operation of his motor trucks on the highways of the State of Florida so long as they are conducted and operated exclusively in interstate commerce and not in conflict with the provisions of the Federal Motor Carrier Act of 1935, nor in conflict with the police regulations of the State of Florida, including the tax laws of the same, and it appearing that the applicant has agreed to conform to all the laws, rules and regulations of this Commission, and has agreed to pay all mileage taxes which have accrued since the inception of his operation to date, and to pay all taxes upon such operation as become due under the law, and the Commission is of opinion that under said injunction order it is required to issue Certificate of Registration to the applicant so long as he complies with the terms and conditions of said order, and the Federal and State laws governing his operation:

Wherefore, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that a Certificate of Registration be and the same is hereby GRANTED to WM. M. Thomas, doing business as Thomas Truck Line, as an exclusive interstate carrier by motor vehicle, authorizing him to operate over State Highways Nos. 1, 2 and 4 between Jacksonville, Florida and the Georgia-Florida State line so long as he operates in conformity with the Federal Motor Carrier Act of 1935, and the laws and rules and regulations of this Commission applicable to such operation, when he shall have filed with the Comptroller of the State of Florida a statement of the mileage made by him since the inception of his operation up to and including the 1st day of August, 1936, and a duplicate copy of such mileage report with the Commission showing that the mileage tax reflected upon such tax report has been paid.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida this 21st day of August, 1936.

ORDER NO. 883,

DOCKET NO. 100-27 AND NO. 100-13.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA.

IN RE: JOINT APPLICATION OF DANIEL B. GRIFFIS
OPERATING THE GRIFFIS TRUCK LINE, WAUCHULA,
FLORIDA, AND TAMIAMI TRAIL TOURS, INC., FOR
AUTHORITY TO TRANSFER CERTIFICATE NO. 103 COV-
ERING COMMON CARRIAGE OF FREIGHT BETWEEN
TAMPA AND ZOLFO, FLORIDA, OVER STATE HIGHWAYS
NOS. 5 and 2, FROM DANIEL B. GRIFFIS TO TAMIAMI
TRAIL TOURS, INC.

1. Pursuant to Notice No. 520 and 520-A, this matter came
on for formal hearing before the Railroad Commission of the
State of Florida at its Hearing Room, Supreme Court Building,
Tallahassee, Florida, on July 22d, 1936, at 10 o'clock A. M.

Then and there appeared the following:

A. Pickens Coles, Esq., for applicants.

F. B. Langley, Esq., for Atlantic Coast Line Railroad Company.

2. The joint application of Daniel B. Griffis, operating the
Griffis Truck Line of Wauchula, Florida, and of Tamiami Trail
Tours, Inc., shows that Daniel B. Griffis, operating as Griffis
Truck Line, was granted Certificate of Public Convenience and
Necessity No. 103 authorizing him to operate as a common
carrier of freight by motor vehicle between Tampa, Mulberry,
Brewster, Fort Meade, Bowling Green, Fort Green, Fort Green
Springs, Wauchula, Zolfo and Parrish, Florida, over State High-
ways Nos. 2 and 5 and county roads. That Daniel B. Griffis sold
his interest in this truck company and in Certificate of Public
Convenience and Necessity No. 103 to one L. W. Patrick on
February 14th, 1934, and Mr. Patrick has been operating this
line in the name of the Griffis Truck Line since that time;
that he has been making regular reports to the Railroad Com-
mission in the name of Griffis Truck Line and paying the
mileage tax for the operation but has never applied to nor
received from the Railroad Commission approval of the trans-
fer of this Certificate.

3. The records of the Commission show that on February the
10th, 1936 a hearing was had in Orlando, Florida, of a Citation
against Griffis Truck Line for failure to pay mileage tax and
file a report with the Comptroller of the State of Florida for

the months of November and December 1935, and by the Order No. 846 dated February 26, 1936, a fine of Fifty Dollars (\$50.00) was assessed against the said Daniel B. Griffis, operating as Griffis Truck Line, and Certificate of Public Convenience and Necessity No. 103 was revoked. It was provided in the order, however, that the payment of fine of Fifty Dollars (\$50.00) would be accepted as full satisfaction of all penalties fixed in said Order.

4. It further appears that Daniel B. Griffis and L. W. Patrick have agreed with Tamiami Trail Tours, Inc., to transfer to the Tamiami Trail Tours, Inc., Certificate of Public Convenience and Necessity No. 103, subject to the approval of the Railroad Commission of the State of Florida, and that the Tamiami Trail Tours, Inc., has agreed to pay to the State of Florida all mileage tax due by the said Griffis Truck Line, and to pay the above mentioned \$50.00 fine assessed against the said Griffis Truck Line, and to pay all unpaid C. O. D. claims held by shippers against the Griffis Truck Line. It further appears that Tamiami Trail Tours, Inc., served all the points now being served by Griffis Truck Line under Certificate of Public Convenience and Necessity No. 103 with the exception of Fort Green, and that the result of the transfer of this Certificate to Tamiami Trail Tours, Inc., would be the consolidation of the schedules of the Griffis Truck Line with the schedules of the Tamiami Trail Tours, Inc., including in such schedules the service of Fort Green.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the joint application of Griffis Truck Line and of Tamiami Trail Tours, Inc., for approval of transfer of Certificate of Public Convenience and Necessity No. 103 from Daniel B. Griffis, operating as Griffis Truck Line, to Tamiami Trail Tours, Inc., be and the same is hereby approved when a showing has been made to this Commission that all mileage taxes, all valid C. O. D. claims, and the fine of \$50.00 has been paid, and an Annual Report of the operation of said Griffis Truck Line up to and including the date of this Order shall have been filed with this Commission.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the city of Tallahassee, Florida, this 18th day of August, 1936.

ORDER NO. 884,
DOCKET NO. 216.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA.

IN RE: APPLICATION OF L. R. POWELL, JR., AND HENRY W. ANDERSON, AS RECEIVERS OF SEABOARD AIR LINE RAILWAY COMPANY FOR AN EXTENSION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 183, AUTHORIZING EXTENSION OF SERVICE NOW OPERATED BETWEEN JACKSONVILLE AND WILDWOOD SO THAT THE SERVICE MAY BE CONTINUED FROM WILDWOOD TO TAMPA VIA POINTS ON SEABOARD AIR LINE RAILWAY,—OPERATION TO BE IN COORDINATION WITH AND SUPPLEMENTAL TO PRESENT RAIL SERVICE, OPERATING MOTOR TRUCKS FROM STATION TO STATION, AND DEPOT TO DEPOT ONLY, AND THAT WHEN THE PUBLIC INTEREST REQUIRES, APPLICANTS BE PERMITTED TO INSTALL STORE DOOR PICK-UP AND DELIVERY TRUCK SERVICE AT ALL STATIONS ON ROUTE SERVED BY APPLICANTS' PRESENT RAIL AND/OR TRUCK SERVICE, AND ALSO FOR CHANGE IN SCHEDULE OF PRESENT SERVICE NORTHBOUND FROM WILDWOOD TO JACKSONVILLE, LEAVING WILDWOOD AT 11:10 A. M. REACHING JACKSONVILLE AT 5:00 P. M.

1. This matter was set down for hearing under Notice No. 518 for April 21, 1936, but hearing was postponed. Pursuant to Notice No. 518-A dated April 14, 1936 this matter came on for hearing before the Railroad Commission of the State of Florida at its Hearing Room, Supreme Court Building, Tallahassee, Florida, on May 5, 1936, at 10 o'clock A. M.

Then and there appeared the following:

W. J. Oven, Attorney, T. W. Parsons, Assistant General Manager, and F. H. Bryant, Assistant Freight Traffic Manager, representing the Receivers of Seaboard Air Line Railway Company.

A. Y. Milam, representing Central Truck Lines, Inc.

Leo P. Kitchen, representing L. & L. Freight Lines, Inc.

Stanton Walker, representing H. T. Pace, Inc., and Great Southern Trucking Company.

Claude Pepper, representing Union Bus Company.

J. Malcolm Johnson, representing Acme Freight Lines, Inc.

A. Pickens Coles, representing Tamiami Trail Tours, Inc.

J. A. Bliss, representing St. Johns River Line Company.

Geo. A. K. Sutton and F. B. Langley, representing Atlantic Coast Line Railroad Company.

J. H. Elliott, representing Elliott-Young Consolidated.

C. E. Gunn, representing University City Transfer.

2. By Order No. 777 dated August 6, 1935 the Receivers of Seaboard Air Line Railway Company were authorized to operate a daily motor vehicle common carrier service between Jacksonville and Wildwood serving intermediate points as a substituted service for a part of their steam railroad service for the purpose of transporting such freight and express, as is delivered to them for transportation at their own freight stations and depots; no pick-up and store door delivery was to be made at Jacksonville or Wildwood or at any intermediate points with this truck service, but they were authorized to transport only the freight and express already delivered to the carrier at its stations for transportation by steam railroad; this service was allowed as a mere substitution of truck service for rail service and was a limited service in that the receivers were required to resume train service and abandon truck service when business increases so that it becomes profitable to transport this tonnage over the rails. The present application is for an extension of this service from Wildwood to Tampa serving intermediate rail points.

3. If this operation is authorized the rail carrier proposes to institute through schedules between Jacksonville and Tampa, leaving Jacksonville at 8:00 o'clock in the morning daily, except Sundays, and arriving at Tampa at 6:10 P. M. and leaving Tampa at 7 o'clock A. M. and arriving at Jacksonville at 5:00 P. M. It does not propose however, to transport through freight on this truck but only freight destined for intermediate points between Jacksonville and Tampa, and Tampa and Jacksonville. Jacksonville freight destined for Tampa and Tampa freight destined for Jacksonville and beyond will be transported by fast freight train and not by this truck service. It is proposed to handle freight from depot to depot only and will not pick up and deliver freight between stations or at stations with the road truck used for transporting this freight. Freight and express destined for points between Wildwood and Tampa out of Jacksonville will be transported to Wildwood by train and there picked up and distributed to stations between Wildwood and Tampa, and freight destined from Tampa to points be-

tween Wildwood and Jacksonville will be transported to Wildwood by train and there picked up and distributed by truck between Wildwood and Jacksonville. It is claimed that this service will eliminate the necessity of performing this service by rail, will be a more frequent movement of freight and will result in better service to the public; and in addition will enable the rail carrier to reduce its car miles to the extent of 13,108 miles over a period of twenty-six days and would enable the carrier to eliminate one freight train six months per year at a net saving of \$7,872.16. The carrier also proposes to handle express on these trucks in the same manner and it is contended that this will benefit its passenger service because it will enable faster schedules and less time consumed by passenger trains between Tampa and Jacksonville and result in passenger trains making their schedule regularly.

4. The objectors to this service contend that since the rail carrier has now instituted store door pick up and delivery service by truck at all of its agency stations and has the right to institute store door and pick up service at all of its stations that the authorization of this service by truck will be tantamount to granting the rail carrier an identical service with the motor carrier without proof of Public Convenience and Necessity. It is further claimed that this is not a substituted service but rather a supplemental and additional service. It is further contended that the evidence shows that a considerable part of both freight and express to be handled by this truck would be interstate commerce over which the Railroad Commission has no jurisdiction and cannot authorize such transportation.

5. This Commission has carefully considered the record made in this proceeding and is of opinion that the applicants should be restricted to a purely substituted service by motor vehicle similar to that granted it by Order No. 777 as between Jacksonville and Wildwood and that it should not be permitted to do any pick-up and delivery service with the truck used for performing this substituted service and that the granting of such substituted service does not require a showing of public convenience and necessity, nor does it violate the provisions of the Federal Motor Carrier Act of 1936.

Wherefore, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the application of L. R. Powell, Jr., and Henry W. Anderson, as Receivers for Seaboard Air Line Railway Company, for an extension of Certificate of Public Convenience and Necessity No. 183, authorizing the operation of motor vehicles in the common carriage of freight and express between Wildwood and Tampa,

Florida, via Plant City on a daily, except Sunday, schedule, leaving Jacksonville at 8 o'clock A. M. arriving Tampa 6:10 P. M. and leaving Tampa at 7:00 A. M. arriving Jacksonville 5:00 P. M. transporting no through freight from Jacksonville to Tampa or from Tampa to Jacksonville, and only transporting freight and express from station to station, and from and to intermediate points, and making no pick up and delivery service with the trucks performing this service, be and the same is hereby GRANTED, upon condition however, that when business increases to such an extent that it becomes profitable to transport this tonnage over the rails that the motor vehicle operation shall be abandoned, and the rail service shall be resumed.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the city of Tallahassee, Florida, this 18th day of August 1936.

ORDER NO. 885,

DOCKET NO. 100-1.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA.

IN RE: APPLICATION OF CENTRAL TRUCK LINES, INC.,
FOR AN EXTENSION OF ITS CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY NO. 56 TO AUTHORIZE
(a) OPERATION OVER STATE HIGHWAY NO. 8 FROM
CLERMONT TO HAINES CITY, FLORIDA, AND (b) OPERA-
TION OVER STATE HIGHWAY NO. 8 FROM LAKE PLACID
TO OKEECHOBEE THROUGH CHILDS CROSSING AND
NEW BRIGHTON.

1. Pursuant to Notice No. 522 dated July 24, 1936 this matter came on for formal hearing before the Railroad Commission of the State of Florida at its Hearing Room, Supreme Court Building, Tallahassee, Florida, on August 12, 1936 at 10:00 A. M.

Then and there appeared the following:

Claude Ogilvie, representing the applicant, Central Truck Lines, Inc.

Clifford T. Inglis, representing St. Johns River Line Company.

Kitchten & Schwartz, representing L. & L. Freight Lines, Inc., and Aikens Transportation Company.

Geo. A. K. Sutton and G. E. Rawlins, representing Atlantic Coast Line Railroad Company.

A. Pickens Coles, representing Tamiami Trail Tours, Inc.

Stanton Walker, representing Great Southern Trucking Company and Acme Freight Lines.

W. J. Oven, representing Receivers of Seaboard Air Line Railway Company.

J. R. Hunter, representing Railway Express Agency.

Joe Elliott, representing Elliott-Young Consolidated.

2. The original application sought authority to operate over State Highway No. 8 from Clermont to Haines City and also to operate over State Highway No. 8 from Lake Placid through Childs Crossing and New Brighton to Okeechobee, and proposed schedules between Ocala and Okeechobee, and between Ocala, Lakeland and Okeechobee, were filed with the application, but during the hearing the applicant withdrew that portion of its application seeking authority to operate between Clermont and Haines City, Florida, for the reason that State Road No. 8 between these points was not in condition for successful operation and also agreed to withdraw the proposed additional schedule from Ocala to Lakeland and modify the schedule from Lakeland to Lake Placid so that the Lakeland schedule would connect with the Tampa schedule.

3. Witness for the applicant, Central Truck Lines, Inc., testified that Central Truck Lines, Inc., is a duly certificated motor highway carrier of freight in common carriage and at the present time its service is from Tampa to Lake Placid via Plant City, Haines City or Bartow, Lake Wales and Sebring, and that it also serves Lake Placid from Orlando via Kissimmee, Lake Wales and Sebring and serves Lake Placid as an off line station six days a week if such service is necessary. That it now desires to serve Okeechobee from Lake Placid through Childs Crossing and New Brighton over State Highway No. 8. That the distance from Lake Placid to Childs Crossing is six miles and from Childs Crossing to Okeechobee is thirty-three miles. That the present service by motor carrier into the city of Okeechobee is irregular, slow and does not properly serve the shipping and consignee public; that Okeechobee at the present time is served from Tampa by Tamiami Trail Tours, Inc., via Fort Myers, thence to LaBelle, thence to Clewiston where freight is transferred to the Elliott-Young Consolidated Company which transports the same via Belle Glade to Okeechobee.

chobee, and that the service of the said Elliott-Young Consolidated is only three days per week service; that the proposed service of Central Truck Lines, Inc., out of Tampa through Lakeland, Sebring to Okeechobee would constitute a haul of one-hundred and fifty miles while the existing service from Tampa to Okeechobee via Fort Myers, LaBelle and Belle Glade is two-hundred and sixty-six miles.

That the service from Tampa through Lake Placid to Okeechobee would be a great convenience to the merchants in Okeechobee, and a necessity to the farmers in Brighton, and that a direct service six days in the week would be a great advantage over the three days' service now received around the lake via Canal Point and Belle Glade. That it would be immaterial to the people in Okeechobee who rendered the service so long as good service from Tampa is received.

4. Protestant railway and express lines testified as to railway service into Lake Placid, Childs and Okeechobee, and the express company has a double daily service into and out of Okeechobee, and the Seaboard Air Line Railway has overnight service from Tampa to Okeechobee.

5. The records of this Commission show that Herald Truck Line originally served as a common carrier of freight between Tampa, Mulberry, Bartow, Fort Meade, Wauchula, Arcadia, Moore Haven, Clewiston and Okeechobee, and the route between Arcadia and Okeechobee was via Childs Crossing over State Road No. 8. That by Order No. 340 dated June 18, 1931, this Commission approved the transfer from Herald Truck Line to Elliott-Young Consolidated that part of Certificate of Public Convenience and Necessity No. 59 covering the operation between Tampa, Mulberry, Bartow, Wauchula, Arcadia and thence through Childs to Okeechobee and to Clewiston. That by Order No. 446 dated April 29, 1932 Elliott-Young Consolidated transferred to Tamiami Trail Tours, Inc., that part of Certificate No. 59 authorizing the right to operate from Tampa through Hopewell to Mulberry, thence to Bartow, from Bartow to Fort Meade, thence to Wauchula, thence to Arcadia by State Road No. 18, from Arcadia to Childs, thence to Moore Haven, thence to the junction of State Road No. 25, and thence by State Road No. 25 to Clewiston. That portion of Certificate No. 59 covering the operation between Childs Crossing and Okeechobee via New Brighton was abandoned by Elliott-Young Consolidated and was not included in this transfer, but no order of abandonment has ever been issued by this Commission.

6. Elliott-Young Consolidated has a daily service between Miami and West Palm Beach, and a daily service to Belle Glade, Pahokee and Canal Point, and also operates a service into Okeechobee three times a week on Monday, Wednesday and Friday mornings. Freight out of Tampa destined for Okeechobee would leave over the Tamiami Trail Tours, Inc., night schedule, arrive at Clewiston about 6:30 A. M. and on Mondays, Wednesdays and Fridays would connect with the truck of Elliott-Young Consolidated and be delivered into Okeechobee at approximately 12 o'clock noon. On other days it would arrive at Okeechobee from one to two days later. Formerly Elliott-Young Consolidated operated a daily schedule into Okeechobee but upon application the Commission reduced it to three days a week because the traffic moving into and out of Okeechobee did not warrant a daily service. In the opinion of witnesses for Elliott-Young Consolidated, the movement of freight in and out of Okeechobee does not now justify more than three days a week schedule. Applicant claims that if it were possible to deliver freight from Tampa direct to Okeechobee the volume of freight would be greatly increased and the operation would be a profitable one.

7. Tamiami Trail Tours, Inc., operates between Tampa and Miami via Fort Myers and has authority to operate between Arcadia, Childs Crossing, Moore Haven, Clewiston, and intermediate points. It also operates between Fort Myers and Clewiston over State Highway No. 25 serving intermediate points. It now claims that the calls for service between Childs Crossing and Okeechobee have been negligible and that the present delivery into Okeechobee is satisfactory, but that it serves this territory and its operation is nearer to the proposed territory to be served than that of the applicant, and it is ready, willing and able to furnish all additional service or facilities which the Commission may reasonably find proper or necessary on or over said route between Childs Crossing, New Brighton and Okeechobee, and claims the right to furnish such service.

8. The Commission has carefully considered the record in this case and is of opinion that direct service into Okeechobee from Childs Crossing, and thus rendering service to New Brighton, would be convenient to the shippers and receivers along this route and is necessary in the interest of the people. It is also of opinion that under the law, as interpreted by our Court, Tamiami Trail Tours, Inc., is entitled to furnish such service.

Wherefore, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the

application of Central Truck Lines, Inc., for an extension of its Certificate of Public Convenience and Necessity authorizing common carrier service by motor vehicle from Lake Placid to Okeechobee via Childs Crossing and New Brighton over State Highway No. 8, be and the same is hereby DENIED.

It is further ORDERED that Tamiami Trail Tours, Inc., furnish service into Okeechobee on a regular schedule so that the communities of New Brighton and Okeechobee will have a daily service from Tampa and other points served by Tamiami Trail Tours, Inc.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the city of Tallahassee, Florida, this 18th day of August, 1936.

ORDER NO. 886,

DOCKET NO. 124.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA.

IN RE: JOINT APPLICATION OF GULF CRESCENT MOTOR LINES, INC., AND W. W. CRAVEN, OPERATING AS SEMINOLE COACH COMPANY, FOR APPROVAL OF TRANSFER OF THAT PORTION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 106 HELD BY GULF CRESCENT MOTOR LINES, INC., COVERING MOTOR BUS OPERATIONS BETWEEN GAINESVILLE AND SUWANNEE RIVER OVER STATE ROAD NO. 14 VIA NEWBERRY, TRENTON AND WILCOX, TO W. W. CRAVEN, OPERATING AS SEMINOLE COACH COMPANY.

1. Pursuant to Notice No. 524 dated August 5, 1936, this matter came on for formal hearing before the Railroad Commission of the State of Florida at its Hearing Room, Supreme Court Building, Tallahassee, Florida on August 20, 1936 at 10 o'clock A. M.

A. Y. Milam, Esq., appeared for applicants.

2. The joint application of Gulf Crescent Motor Lines, Inc., and W. W. Craven, operating as Seminole Coach Company, shows that Gulf Crescent Motor Lines, Inc., operates as a certificated motor carrier of passengers from Tallahassee to Ocala serving intermediate points, and also has a shuttle service from the Suwannee River to Gainesville serving Trenton, Newberry and

Wilcox; that W. W. Craven, operating as Seminole Coach Company, now operates between St. Augustine and Gainesville, Florida, serving Hastings, Palatka, Hawthorne and Rochelle; that it operates a daily service over this route and makes connection at Gainesville for Tallahassee and intermediate points with the Gulf Crescent Motor Lines, Inc. That Gulf Crescent Motor Lines, Inc., desires to sell and Seminole Coach Company to purchase that portion of the route of Gulf Crescent Motor Lines, Inc., between Gainesville and Suwannee River over State Road No. 14 via Newberry, Trenton and Wilcox. That the operation of this shuttle service by Gulf Crescent Motor Lines, Inc., has been at a loss by reason of the lack of passengers. That it is believed if this operation was sold to Seminole Coach Company, and it could operate a through service from St. Augustine to Suwannee River, there connecting with Gulf Crescent Motor Lines, Inc., that it could originate sufficient patronage to make the operation pay. That in addition to this, it would be of great convenience to the people living along this line who desire to have some service into Tallahassee and points on Road No. 19.

3. At a special meeting of the stockholders of the Gulf Crescent Motor Lines, Inc., held on Monday, August 17, 1936, the sale and transfer of this operation between Gainesville and Suwannee River over State Road No. 14 to W. W. Craven, operating as Seminole Coach Company, was approved. There was further agreement to file Annual Reports, and other reports of operation, and to pay all mileage tax and other claims due to the State on account of such operation.

Wherefore, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the joint application of Gulf Crescent Motor Lines, Inc., and W. W. Craven, operating as Seminole Coach Company, for approval of transfer of that portion of Certificate of Public Convenience and Necessity No. 106 authorizing motor bus operation between Gainesville and Suwannee River over State Road No. 14 via Newberry, Trenton and Wilcox, from Gulf Crescent Motor Lines, Inc., to W. W. Craven, operating as Seminole Coach Company, be and the same is hereby APPROVED.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the city of Tallahassee, Florida, this 25th day of August, 1936.

CITATION.

ORDER NO. 887.

DOCKET NO. 100-43.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA.

IN THE MATTER OF COMPLAINT AGAINST KENNELLY
TRANSFER & STORAGE COMPANY, INC., OF JACKSON-
VILLE, FLORIDA, AS TO VIOLATIONS OF THE LAW AND
RULES OF THE RAILROAD COMMISSION IN ITS OPERA-
TIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY NO. 134.

WHEREAS Kennelly Transfer & Storage Company, Inc., was by Order No. 199 dated September 4, 1930, granted Certificate of Public Convenience and Necessity No. 134 authorizing it to engage in the special service of moving heavy machinery or bulky materials situated in out of the way places or isolated communities, such as the moving of heavy round timber and logs, boilers, engines or other machinery located in swamps and like places that are inaccessible and which the average auto transportation company is not equipped to move, and it has been reported to this Commission that said Kennelly Transfer & Storage Company, Inc., is violating the terms and conditions of said Certificate;

Therefore you, Kennelly Transfer & Storage Company, Inc., TAKE NOTICE that the Railroad Commission of the State of Florida charges you with violations of the law and rules and regulations of said Commission, and with disregard of the provisions of your Certificate of Public Convenience and Necessity in the following particulars, to-wit:

- (1) A wilful violation of the terms and conditions of your Certificate of Public Convenience and Necessity in that you did on September 14, 1936, operate your International Truck and Semivan Trailer with License G. F. H. 209 and N-54 with Commission Plate 74, loaded with 123 bundles of roofing shingles of weight of 10,000 pounds and 10 kegs of nails of the weight of 107 pounds, over the highways of the State between Jacksonville and Shamrock, Florida, transporting above described freight from Cameron & Barkley Company of Jacksonville, Fla., to Putnam Lumber Company at Shamrock, Florida, contrary to law and the rules and regulations of the Railroad Commission.

And further TAKE NOTICE that on TUESDAY, OCTOBER 13, 1936, at 10 o'clock A. M., the Railroad Commission of the State of Florida will be in session in its Hearing Room, Supreme Court Building, Tallahassee, Florida, to hear, consider and determine whether or not you, Kennelly Transfer & Storage Company, Inc., are guilty of having wilfully violated or refused to observe the laws of this State touching the operation of motor vehicles, or any of the terms or conditions of the Certificate heretofore issued to you, or any of the orders, rules and regulations of this Commission, and if found guilty thereof to then and there consider what penalty should be imposed against you under the law.

And at said time and place you will have an opportunity to be fully heard upon said charges.

WITNESS THE HAND of the Acting Chairman of said Railroad Commission, affixed in open session and by its order, at Tallahassee, Florida, this 21st day of September, 1936.

CITATION.

ORDER NO. 888,

DOCKET NO. 100-109.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA.

IN RE: COMPLAINT AGAINST UNION TRANSFER & STORAGE COMPANY AS TO ABANDONMENT OF SERVICE UNDER ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, AND FAILURE TO PAY MILEAGE TAX FOR THE MONTHS OF DECEMBER, 1935 AND JANUARY, 1936.

WHEREAS Union Transfer & Storage Company was by Order No. 311 dated April 22, 1931, awarded a Certificate of Public Convenience and Necessity authorizing it to engage in the transportation of household goods, and also to operate as a contract carrier hauling meats between Tampa and Plant City and between Tampa and Lakeland, and Certificate of Public Convenience and Necessity No. 175 was issued to it covering such operation;

Therefore you, Union Transfer & Storage Company TAKE NOTICE that the Railroad Commission of the State of Florida charges you with violations of the law and rules and regulations

of said Commission, and with disregard of the provisions of your Certificate of Public Convenience and Necessity and/or Permit in the following particulars, to-wit:

- (1) A wilful violation of the law and rules and regulations of this Commission in that you have failed and refused to pay to the Comptroller of the State of Florida the mileage tax due by you for the operation of your motor vehicles over the public highways of the State for the months of December 1935 and January 1936 amounting to the sum of \$23.47.
- (2) A wilful violation of the laws of the State of Florida in that you have failed to operate over the routes and schedules authorized under your Certificate of Public Convenience and Necessity and/or Permit for a period of ninety days last past.
- (3) A wilful violation of the laws of the State of Florida in that you did on February 19, 1936 assign and transfer your Certificate of Public Convenience and Necessity and/or Permit to Caldwell Bonded Warehouse, Inc., without the consent of the Railroad Commission of the State of Florida, and did cease and abandon your operations before the Railroad Commission authorized such transfer.

And further TAKE NOTICE that on TUESDAY, OCTOBER 13, 1936, at 10 o'clock A. M. the Railroad Commission of the State of Florida will be in session at its Hearing Room, Supreme Court Building, Tallahassee, Florida, to hear, consider and determine whether or not you, Union Transfer & Storage Company are guilty of having wilfully violated or refused to observe the laws of this State touching the operation of motor vehicles, or any of the terms or conditions of the Certificate of Public Convenience and Necessity and/or Permit heretofore issued to you, or any of the orders, rules and regulations of this Commission, and if found guilty thereof to then and there consider what penalty should be imposed against you under the law.

And at said time and place you will have an opportunity to be fully heard upon said charges.

WITNESS THE HAND of the Acting Chairman of the Railroad Commission, affixed in open session and by its order, at Tallahassee, Florida, this 22d day of September, 1936.

ORDER NO. 889,
DOCKET NO. 326.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA.

IN RE: APPLICATION OF ADER COACH LINES OF ALBANY,
GEORGIA, FOR APPROVAL OF SCHEDULE BETWEEN
TALLAHASSEE AND THE GEORGIA-FLORIDA STATE
LINE VIA HAVANA.

1. Pursuant to Notice No. 526 dated August 22, 1936, this matter came on for formal hearing before the Railroad Commission of the State of Florida at its Hearing Room, Supreme Court Building, Tallahassee, Florida, on September 2, 1936. Then and there appeared the following:

Ray Ader appeared for the applicant.

R. E. Coleman appeared on behalf of Coleman Motor Lines.

W. J. Oven and H. S. Williams appeared for Receivers of Seaboard Air Line Railway Company.

H. C. Roland appeared on behalf of Union Bus Company.

2. By Order No. 858 dated April 24, 1936, transfer of Certificate of Public Convenience and Necessity No. 194 from D. L. Hopson, operating as Bainbridge-Columbus Motor Lines to S. H. Ader, operating as Ader Coach Lines, was approved as of March 31, 1936, and the said S. H. Ader, doing business as Ader Coach Lines, was authorized to operate in common carriage by motor vehicle between the Georgia-Florida State line and Tallahassee, Florida, via Havana under schedules then being operated by Bainbridge Columbus Motor Lines. The applicant now desires to revise such schedules so as to leave Tallahassee at 8:30 A. M. arriving at the Georgia-Florida State line at 9:00 A. M. and leaving Georgia-Florida State line at 3:55 P. M. arriving Tallahassee at 4:25 P. M. and also another schedule leaving Tallahassee at 2:45 P. M. and arriving at Georgia-Florida State line 3:15 P. M. and leaving Georgia-Florida State line at 6:55 P. M. and arriving Tallahassee at 7:25 P. M.

3. Objection was made to the granting of this change of schedule on the ground that Ader Coach Lines also operated in Georgia and that the ultimate destination of the busses leaving Tallahassee and operating to Georgia-Florida State line was Bainbridge, Georgia, and, therefore, the service sought in this application was really interstate and that the Interstate

Commerce Commission had exclusive jurisdiction over interstate schedules. Even if this were true, the Federal Motor Carrier Act provides in Section 208:

"Provided, however, that no terms, conditions or limitations shall restrict the right of the carrier to add to his or its equipment and facilities over the routes between the termini, or within the territory specified in the Certificate, as the development of the business and the demands of the public shall require."

The applicant in its original application not only applied for change in the two schedules now operated but also applied for an additional schedule, but the Commission has determined to approve only that part of the application which provides for changes in the present schedule, and this has been concurred in by the applicant.

Wherefore, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that Ader Coach Lines of Albany, Georgia, be and it is hereby authorized to operate between Tallahassee and the Georgia-Florida State line via Havana over the following schedule:

Tallahassee	8:30 A. M.	2:45 P. M.	5:25 P. M.	7:25 P. M.
Havana	8:50 A. M.	3:05 P. M.	4:05 P. M.	7:05 P. M.
Ga.-Fla. St. line	9:00 A. M.	3:15 P. M.	3:55 P. M.	6:55 P. M.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session and by its order, at Tallahassee, Florida, this 19th day of September, 1936.

ORDER NO. 890,

DOCKETS NOS. 100-12; 100-13.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA.

IN RE: APPROVAL OF INTERCHANGE AGREEMENT BETWEEN ELLIOTT-YOUNG CONSOLIDATED, INC., AND TAMiami TRAIL TOURS, INC., IN REFERENCE TO SERVICE INTO OKEECHOBEE, FLORIDA, AND CONTIGUOUS TERRITORY.

1. By Order No. 885 dated August 13, 1936, the application of Central Truck Lines, Inc., for an extension of its Certificate of

Public Convenience and Necessity No. 56 to authorize an operation over State Highway No. 8 from Lake Placid to Okeechobee through Childs Crossing and New Brighton was denied, and Tamiami Trail Tours, Inc., which operates in that territory was ordered to furnish service into Okeechobee on a regular schedule serving the communities of New Brighton and Okeechobee with a daily service from Tampa and other points served by Tamiami Trail Tours, Inc.

2. Elliott-Young Consolidated, Inc., objected to the order requiring such service to be performed by Tamiami Trail Tours, Inc., and claimed the right itself to serve Okeechobee, and also New Brighton and Childs Crossing by making connection at Childs Crossing with Tamiami Trail Tours, Inc., and also requested a rehearsing or reopening of this matter for the purpose of giving consideration to the rights of Elliott-Young Consolidated, Inc. While the matter of a reconsideration and a reopening of this proceeding was being considered by the Commission, representatives of Tamiami Trail Tours, Inc., and Elliott-Young Consolidated, Inc., came before the Commission and presented an agreement which had been entered into by and between these companies by which Tamiami Trail Tours, Inc., obligated itself to serve Okeechobee and New Brighton daily, except Sundays and holidays, via Arcadia and Childs Crossing in the common carriage of freight. It further agreed to interchange freight originating on its line at Okeechobee destined for points served by Elliott-Young Consolidated, Inc., with the exception of Miami and Clewiston. Elliott-Young Consolidated, Inc., agrees to interchange freight originating on its line at Okeechobee destined for points served by Tamiami Trail Tours, Inc., with the exception of Miami and Clewiston with Tamiami Trail Tours, Inc., and also agrees to render daily service, subject to the further order of the Florida Railroad Commission, between Okeechobee and the East Coast of Florida in lieu of the three day per week service now being rendered.

3. Elliott-Young Consolidated, Inc., also relinquishes and releases to Tamiami Trail Tours, Inc., all of the right, title and interest under Certificate of Public Convenience and Necessity No. 59 it has covering common carriage of freight between Okeechobee and Childs Crossing over State Highway No. 8. It appears that this portion of Certificate No. 59 covering such operation between Childs Crossing and Okeechobee via New Brighton was not specifically included in Order No. 446 dated April 29, 1932, by which approval was given to the transfer and assignment from Elliott-Young Consolidated, Inc., to Tamiami Trail Tours, Inc., of certain rights in this territory

acquired by Elliott-Young Consolidated, Inc., from Herald Truck Line. While this portion of Certificate No. 59 was not included in said Order No. 446 no order of abandonment of such service was ever entered by the Commission, and Elliott-Young Consolidated, Inc., claims the right to this operation still remains in it. This matter was considered and attention was called to it in Order No. 885. Relinquishment of its rights over this highway by Elliott-Young Consolidated, Inc., and the order of Commission requiring Tamiami Trail Tours, Inc., to operate over this highway in order to serve New Brighton and Okeechobee, confirms in Tamiami Trail Tours, Inc., the right to such operation.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the interchange agreement between Elliott-Young Consolidated, Inc., and Tamiami Trail Tours, Inc., herein described dated September 2, 1936, be and the same is hereby APPROVED.

It is further ORDERED that effective September 8, 1936, the following schedules to be operated by Tamiami Trail Tours, Inc., serving this territory are hereby APPROVED.

TIME TABLE NO 1—SCHEDULE NO. 15.

	EAST BOUND (Read Down)	WEST BOUND (Read Up)
	A. M.	A. M.
Arcadia	3:00 Lv.	9:00 Ar.
Childs	4:00	8:00
New Brighton	4:30	7:45
Okeechobee	5:00 Ar.	7:30 Lv.

NOTE: Childs to Palmdale to be served on West Bound schedule. (Run from Okeechobee). Off Line Service: Childs to Palmdale.

	SOUTH BOUND	NORTH BOUND
Childs	8:15	9:15
Hicoria	8:20	9:10
Venus	8:30	9:00
Palmdale	8:45	8:45
	A. M.	A. M.

TIME TABLE NO. 1—SCHEDULE NO.16
SUPERSEDING SCHEDULE NO. 11 CORRECTED.

	SOUTH BOUND (Read Down)	NORTH BOUND (Read Up)
	P. M.	P. M.
Tampa	10:30 Lv.	12:30 Ar.
Plant City	11:15	11:45
Hopewell	11:45	11:30
Mulberry	12:05	11:15
Bartow	12:45	11:00
Pembroke	1:00	10:35
Fort Meade	1:10	10:25
Bowling Green	1:30	10:10
Wauchula	1:45	10:00
Zolfo Springs	2:00	9:50
Buchanan	2:10	9:40
Gardner	2:20	9:30
Brownsville	2:35	9:15
Arcadia	2:50 Ar.	9:00 Lv.

Off Line Service: Lake Garfield—Served off line from Bartow on call. Fort Green—Served off line from Bowling Green on call.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the city of Tallahassee, this 17th day of September, 1936.

ORDER NO. 891,

DOCKET NO. 100-65.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: FAILURE OF BENTON BROTHERS TRANSFER
COMPANY TO PAY MILEAGE TAX AND FILE REPORT
WITH THE COMPTROLLER FOR THE MONTHS OF

OCTOBER, NOVEMBER AND DECEMBER, 1935. CERTIFICATE NO. 92 REVOKED.

1. By Order No. 847 dated February 26, 1936 Benton Brothers Transfer Company was found guilty of failure to pay the mileage tax to the Comptroller of the State of Florida for its operations covering the months of October, November and December, 1935, and penalties were affixed as follows:

(1) REVOCATION OF CERTIFICATE NO. 92 HERETOFORE ISSUED TO BENTON BROTHERS TRANSFER COMPANY.

(2) PAYMENT TO THE STATE TREASURER, TALLAHASSEE, FLORIDA, THE SUM OF \$50.00 AS A FINE.

2. It was further provided in said Order that if Benton Brothers would pay the sum of \$50.00 the Railroad Commission would accept it as full satisfaction of all penalties fixed in said Order.

3. Benton Brothers Transfer Company, in spite of continued efforts on the part of this Commission, has failed and refused to pay the fine assessed against it.

Wherefore, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that Certificate of Public Convenience and Necessity No. 92, heretofore issued to Benton Brothers Transfer Company, be and the same is hereby REVOKED and CANCELED, and Benton Brothers Transfer Company is ordered to cease and desist from all operations over the highways of the State of Florida under authority of such Certificate.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session and by its order at Tallahassee, Florida, this 24th day of July, 1936.

ORDER NO. 892

DOCKET NO. 100-121.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: APPLICATION OF FLORIDA MOTOR LINES, INC.,
TO ROUTE ONE OF ITS SCHEDULES, WHICH IT NOW
OPERATES BETWEEN OCALA, PLANT CITY AND TAMPA

VIA WILDWOOD AND DADE CITY OVER STATE ROAD NO. 23 OVER STATE ROAD NO. 2 VIA LEESBURG, OKAHUMPKA, MASCOTTE AND GROVELAND.

1. Pursuant to Notice No. 524 dated August 5, 1936 this matter came on for hearing before the Railroad Commission of the State of Florida at its Hearing Room, Supreme Court Building, Tallahassee, Florida, on August 20, 1936 at 10 o'clock, A. M.

A. Y. Milam, Esq., appeared for the applicant, Florida Motor Lines, Inc.

Geo. A. K. Sutton, Esq., appeared for the protestants, Atlantic Coast Line Railroad Company and Seaboard Air Line Railway Company.

2. Florida Motor Lines, Inc., now has certificate rights to operate over State Road No. 2 from Ocala to Tampa via Wildwood and Dade City. It is also authorized to operate from Ocala to Orlando over State Road No. 2 via Belleview, Lake Weir, Weirsdale, Leesburg, and thence to Eustis and Mt. Dora; and it also is authorized to operate from Orlando via Winter Garden, Mohawk and County roads through Clermont, and thence over County road connecting with State Road No. 2 at the Withlacoochee River, but it has no authority to operate over Road No. 2 between Leesburg and Withlacoochee River which serves Groveland and Okahumpka. By reason of the rebuilding of the Wildwood-Dade City road, Florida Motor Lines, Inc., has been operating two of its schedules which it usually operates over State Road No. 2 through Ocala to Wildwood, to Coleman, to Bushnell, Dade City, Zephyrhills, Plant City and Thonotosassa over that part of the highway between Leesburg and the Withlacoochee River, and thus has been serving Groveland and Okahumpka. That when the Wildwood-Dade City road has been completed it is the intention of the Florida Motor Lines, Inc., to resume service over this road and withdraw its service over that portion of State Road No. 2 between Leesburg and the Withlacoochee River, and thus withdraw service from Groveland and Okahumpka. That when this is done there will be no service by motor bus carrier at Groveland, and the only service left to Groveland will be by the mixed train furnished by the Atlantic Coast Line Railroad Company.

3. There has been repeated demands and requests by the people living in the Groveland and Mascotte territory for a continuance of this service by Florida Motor Lines, Inc., and it has, therefore, made this application seeking authority to continue to route one or more of its northbound and southbound schedules over the route between Leesburg and the Withlacoochee River

in order to furnish service to the communities and towns of Groveland, Mascotte and Okahumpka, and a more expedited service through Leesburg.

4. The Commission has carefully considered this matter and believes that public convenience and necessity of the people in these communities require this service, and that the same can be more efficiently and economically rendered by the Florida Motor Lines, Inc., than by any other carrier operating in this territory.

Wherefore, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the application of Florida Motor Lines, Inc., to route one or more of its through schedules between Jacksonville and Tampa over that portion of the highway known as a branch of State Road No. 2, lying between Leesburg and Withlacoochee River, thus serving Okahumpka, Mascotte and Groveland, be and the same is hereby GRANTED.

It is further ORDERED that the Florida Motor Lines, Inc., be and it is hereby required to furnish to this Commission schedules of such operations.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 12th day of October, 1936.

ORDER NO. 893,

DOCKET NO. 338.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: COMPLAINT AGAINST OWEN RAMSEY OF PALATKA, FLORIDA, AS TO VIOLATIONS OF THE LAW AND RULES OF THE RAILROAD COMMISSION IN HIS OPERATION UNDER HIS "FOR HIRE" PERMIT.

1. By Order No. 873 dated August 5th, 1936 Owen Ramsey was found guilty of certain violations of the law and rules of the Railroad Commission in his operation under his "For Hire" Permit and penalties were fixed as follows:

- (1) REVOCATION OF HIS PERMIT AS A FOR HIRE CARRIER.

(2) PAYMENT TO THE STATE TREASURER, TALLAHASSEE, FLORIDA, THE SUM OF \$25.00 AS A FINE.

2. It was further ORDERED that the payment by the said Owen Ramsey of the sum of \$25.00 imposed as a fine would be accepted as full satisfaction of all penalties fixed in said Order.

3. The said \$25.00 has been paid.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the payment of the said \$25.00 as a fine is accepted as full satisfaction of all penalties fixed under Order No. 873, and the said Citation proceedings against the said Owen Ramsey be and the same are hereby DISMISSED.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 8th day of October, 1936.

ORDER NO. 894,

DOCKET NO. 100-1.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: COORDINATION AND REVISION OF SCHEDULES
OF CENTRAL TRUCK LINES, INC., OF TAMPA, FLORIDA.

1. This matter coming on further for consideration before the Commission, and it appearing by Order No. 838 dated January 8, 1936 that schedules of Central Truck Lines, No. 1 to 21 inclusive of Time Table No. 2 were approved, and such schedules were prescribed as the schedules to be operated by Central Truck Lines, Inc., and Central Truck Lines, Inc., now desires certain changes in one of its schedules known as Schedule No. 12, and has filed Schedule No. 12-A, superseding Schedule No. 12, under which it reverses the order of service to the various towns and communities listed thereon; and it further appearing that it has submitted Schedule No. 22, which is an additional schedule proposed for the purpose of avoiding the layover in Ocala of certain of its vehicles, and providing for the operation of these vehicles into Jacksonville from Ocala under the schedules proposed therein:

It is, therefore, CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that

Schedule No. 12-A, superseding Schedule No. 12 of Time Table No. 2, and Schedule No. 22 of Time Table No. 2, copies of which are hereto attached and made a part of this Order, be and the same are hereby APPROVED for operation by Central Truck Lines, Inc., effective as of October 1, 1936; Provided, that in the event of complaint to the Commission about the operation of such schedules that a hearing will be held to determine whether or not such schedules shall be approved.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 1th day of October, 1936.

CITATION

ORDER NO. 895,

DOCKET NO. 100-5.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: COMPLAINT AGAINST BROWN'S MOTOR FREIGHT LINES, INC., AS TO VIOLATIONS OF THE LAW AND RULES AND REGULATIONS OF THE RAILROAD COMMISSION IN ITS OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 91 AND EXTENSIONS THEREOF.

ON PETITION FOR REHEARING.

1. By Order No. 874 dated August 4, 1936 BROWN'S MOTOR FREIGHT LINES, INC., on hearing on Citation issued against it was found guilty of certain violations of the terms and conditions of its Certificate of Public Convenience and Necessity and of the rules and regulations of this Commission and of the laws of the State of Florida, and a penalty was fixed as follows:

"REVOCATION OF THAT PORTION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 91 THAT AUTHORIZES OPERATION FROM JACKSONVILLE ALONG HIGHWAY NO. 4 TO DAYTONA BEACH AND NEW SMYRNA,"

and was ordered to cease and desist all of its operations over said highway from and after August 2, 1936.

2. Respondent, Brown's Motor Freight Lines, Inc., thereupon on the 24th day of August, 1936, filed its petition with this

Commission seeking a rehearing on the Citation issued against it, and a reconsideration and modification of Order No. 874.

Upon consideration of such petition, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that this cause be reopened and a rehearing had for the purpose of permitting respondent to present to the Commission the new and additional testimony which it alleged in its petition it desired to present, and said rehearing is now fixed for the HEARING ROOM of the COMMISSION, SUPREME COURT BUILDING, TALLAHASSEE, FLORIDA, on Tuesday, NOVEMBER 17, 1936 at 10 o'clock, A. M.

It is further ORDERED that the effective date of Order No. 874 be, and it is, extended until the further Order of this Commission.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 16th day of October, 1936.

OPINION

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN THE MATTER OF AMENDMENT OF RULE NO. 67 RELATING TO GROSS WEIGHT OF MOTOR VEHICLES AS AMENDED BY ORDER NO. 572 DATED MARCH 14, 1933.

This Commission, after an extensive hearing in which representatives of the motor carriers, rail carriers and State Road Department participated and gave testimony, amended Rule No. 67 relating to the gross weight of motor vehicles so that the same now reads as follows:

"RULE NO. 67—GROSS WEIGHT OF MOTOR VEHICLES. Certificates of Public Convenience and Necessity, in common carriage of property shall authorize a gross weight for any single unit of 20,000 pounds. Provided; where such unit is equipped with modern air brakes or vacuum booster brakes, axle specifications and dual rear wheels with oversize tires of such dimensions as to meet the requirements of the Commission as to road surface contact and highway conservation, a ten per cent. (10%) overweight is hereby allowed to enable such carrier to better serve the convenience and necessity of the public in taking on and discharging cargo at

intermediate points on its route, and as a safeguard against errors and mistakes arising from inability to always obtain the exact weight of such additional cargo.

Certificates of Public Convenience and Necessity in private contract carriage of property and permits issued to 'for hire' carriers of property shall authorize a maximum gross weight of 20,000 pounds for any single unit.

Gross weight as used herein means total weight of vehicle and load.

The carriage by any unit in any class of service of a greater pay load than 12,000 pounds is unlawful. A tractor and semi-trailer is considered as one unit."

Central Truck Lines, Inc., filed a petition with this Commission asking that Rule No. 67 be amended so that a tractor and trailer of certain type and specifications set out therein would be recognized as two units and be permitted a carriage of 24,000 pounds pay load.

L. W. Holstun & Son of Ocala, Florida, and J. J. Kelly of Jacksonville, Florida, contract carriers, under contract with the Great Atlantic & Pacific Tea Company, also filed applications with this Commission authorizing them to operate their motor vehicles with a gross load of at least 34,000 pounds.

This matter was set down for hearing, and was heard by the Commission on August 13, 1936 at which hearing representatives of many of the auto transportation companies, and also of the rail carriers, appeared.

It developed at the hearing that the applicants considered that a tractor pulling a trailer which trailer is equipped with single axles with tandem attachments equipped with four wheels or eight wheels and eight tires, should be considered as two units, and should be permitted to transport two pay loads of 12,000 pounds each, amounting to an aggregate pay load of 24,000 pounds, and should be assessed with a mileage tax upon each unit in accordance with law. Other carrier representatives were content with the present load limit and did not desire a change if the change was to be compulsory upon all carriers, common and contract, and the payment of the double mileage tax was to be mandatory. However, these other carriers stated that if they were permitted to operate under the present rule with their equipment they had no objection to the applicants receiving the relief sought.

The seeming dissatisfaction with the present gross weight limit for Certificated motor carriers, and their desire to change

the rule so that they may be permitted a gross weight of 34,000 pounds, and a pay load of 24,000 pounds, upon a tractor and trailer, arose from a decision of the Supreme Court of Florida in the case of ROGERS vs. CUNNINGHAM, 158 So. 430, which decision has been construed as permitting a private carrier to transport upon a tractor and trailer a gross load of 34,000 pounds.

This case grew out of a prosecution of one Rogers who operated on the public highways of Pinellas County "one truck and trailer combined (semi-trailer) which weight did exceed the State law."

The Court in further discussion of this matter said:

"All parties seem to desire an opinion from this Court as to whether a truck and trailer such as Rogers drove is within the provisions of the law limiting the weight to be carried by a semi-trailer. The petitioner insists that the type of trailer attached to the truck he drove should not be classed as a semi-trailer.

"Section 1280, Compiled General Laws, defines a semi-trailer as 'any two wheel vehicle coupled to or drawn by any motor vehicle.'

"The truck driven by the petitioner was a four-wheel truck of three-ton capacity equipped with four pneumatic rubber tires, each of the front tires being seven inches in diameter. The trailer had four wheels, pneumatic tires seven and a half inches in diameter. The four wheels of the trailer are located near or toward the center of the vehicle, instead of one at each of the four corners. The trailer was coupled to the truck in the following manner. The load carrying platform is coupled to a solid pin connection on the truck over or near the rear axle of the truck and not by a loose coupling, thus eliminating the whipping effect usual with such loose couplings.

"By the method of connection to the truck by means of a pin over the rear axle of the latter named vehicle, safety to those traveling upon the highway is increased, as well as convenience in long hauls and reduction of insurance to protect the public from accidents, and in addition thereto facilities for loading and unloading as the combined vehicle can by use of the truck machinery be placed in position readily for loading and unloading which cannot be so easily done in the case of a trailer fastened to the truck by a loose connection."

After further discussion of the facts of the case, the Court came to this conclusion:

"It is our view that the vehicle described in this case is a four-wheel vehicle attached to or to be drawn by a truck."

Throughout the whole discussion of this case the Court alludes to what it is pleased to call a "truck," which, according to the definition as contained in the statute, is a "tractor." The Court, even in stating the State's contention in the matter, says:

"The State's contention is that a combination vehicle is a truck and semi-trailer."

Section 1280, Compiled General Laws of Florida 1927, defines a truck, a tractor and a trailer, as follows:

"'trucks' as defined in this Chapter shall include any motor vehicle designed or used principally for carrying things other than passengers and includes a motor vehicle to which has been added a cabinet box, platform, rack or other equipment for the purpose of carrying merchandise other than the person or effects of the passengers. Also any unit consisting of tractor and trailer so constructed as to haul merchandise or loads other than persons."

"'Tractor' as defined in this Chapter shall include any motor vehicle having four or more wheels designated or used for drawing other vehicles, but having no provisions for carrying loads independently."

"'Trailer' as defined in this Chapter shall include all four wheel vehicles coupled to or to be drawn by a motor vehicle."

It is clear, from a study of the opinion in *ROGERS vs. CUNNINGHAM*, *Supra.*, that the vehicle under consideration was "a tractor and trailer so constructed as to haul merchandise." It was not a truck and trailer.

It is also also to be noted from the definitions given above that the statute makes "any unit" (singular) consisting of tractor and trailer a "truck." It is "one unit" and cannot possibly be defined as a "truck" and trailer, which would be two units. It is also to be noted that the definition of a truck as being "any unit" consisting of tractor and trailer embraces a "four wheel vehicle."

The confusion in the minds of the Court is further illustrated by this sentence in the opinion:

"the truck which the petitioner was driving when arrested seemingly has no provision for carrying a load independently."

(underscoring ours)

If it had no provision for carrying a load independently, under the definition of the statute, it is a "tractor" and not a "truck."

In the very next sentence, however, the Court used this language:

"For purpose of freight transportation the two vehicles together constitute one unit for purposes of freight transportation."

If it is only "one unit" for purpose of freight transportation, this unit, under the definition of the statute, is a "truck" and should only be allowed to transport one load; either 16,000 pounds, or, if properly equipped with brakes and six tires in contact with the road, 18,000 pounds. The Court, nowhere in its opinion, stated definitely that such vehicle was entitled to transport a gross load of 34,000 pounds.

While 34,000 pounds is mentioned in the opinion, it is mentioned as a quotation from the brief of the State. The defendant was discharged from custody by the Court because the Court found that the trailer operated by the defendant was not a "semi-trailer" but was a four wheel vehicle, and since the defendant was charged with operating a "semi-trailer" the charge was not sustained.

However, even if the private carriers under this decision are permitted to carry a load of 34,000 pounds on the vehicle described and discussed in this decision, the question before this Commission is, have we the authority and the power under Chapter 14,764 to permit Certificated carriers to transport such gross load upon such a vehicle.

It is to be noted that under the provisions of Rule No. 67, quoted herein, that we have held:

"Carriage by any unit in any class of service of a greater pay load than 12,000 pounds is unlawful. A tractor and semi-trailer is considered as one unit."

This, we believe, is in accordance with the definition of a tractor and of a truck as defined in Section 1280, Compiled General Laws 1927, which are made a part of Chapter 14764, Acts of 1931, under which we regulate certificated carriers. The limit

of 12,000 pounds pay load is also in accordance with Chapter 14764, supra, which provides in Section 11 thereof:

"No truck or trailer shall be authorized under any Certificate of Public Convenience and Necessity in common carriage to carry a load in excess of 12,000 pounds, and the Commission shall by the terms of all certificates issued by it limit the load weight of every truck or trailer to not more than 12,000 pounds. Every certificate heretofore issued shall be deemed to limit load weight of every truck or trailer to 12,000 pounds and the carriage by any truck or trailer of more than 12,000 pounds shall be unlawful and subject the holder of such certificate to all the penalties prescribed by law and by the provisions of this Act.

"The vehicle weight of any truck or trailer shall in no event exceed the maximum load weight of 12,000 pounds hereinabove provided unless such load weight be reduced in the amount of such excess vehicle weight."

In *ROGERS vs. CUNNINGHAM*, Supra., the Court was construing the provisions of Chapter 16085, Laws of Florida 1933, which is the Motor Vehicle License Act, and did not have before it Chapter 14764, Acts of 1931.

However, the Court in several cases, has held these Acts to be "in pari materia," and must be so construed, and so construing these two Acts has held:

"Consequently, we have upon the statute books of this state two separate and independent statutes relating to the supervision and regulation of motor vehicles. The older of these two statutes deals with the licensing, taxation, and incidental regulation of motor vehicles of every kind except those subsequently classified and separately dealt with by Chapter 13700, Acts of 1929, and its re-enactment and revision as Chapter 14764, Acts of 1931.

"Chapter 14764, Acts of 1931, as a regulatory act is Complete in itself. Without reference to any other statute of this State, this special act dealing with certificated motor vehicles, contains within its four corners all the principles of regulation and supervision which are to be applied to those certificated vehicles falling within its purview."

DICKINSON vs. CAHOON, 144 SO. 345.

SEE ALSO:

TYSON vs. STOUTAMIRE, 140 SO. 454.

LEONARD vs. SWEAT, 152 SO. 857.

All of these cases dealt with maximum weights of motor vehicles, both private and certificated, and the Court held in effect that the statutory regulations as to weight of motor vehicles generally are inapplicable to certificated vehicles.

Even though the evidence in this case convinces this Commission that the hazards of the highway would be decreased, and the safety of those traveling upon the highway would be increased by the use of tractor and trailer described in the application instead of a truck and four wheel trailer, and that its operation in freight transportation would be more efficient than the operation of a truck and a four wheel trailer, yet, in the light of the statute and of the decisions of the Court herein mentioned, it is of opinion that it has no power to authorize the carriage of a greater load than 12,000 pounds, and a greater gross load than 24,000 pounds upon such vehicle which is defined by the statute as one unit.

While it is patently unfair, and perhaps a discrimination against the certificated carriers, to permit private carriers to transport upon similar vehicles a greater gross load than is permitted certificated carriers, the remedy lies with the legislature and not with this Commission. However much it would desire to remedy this situation it cannot legislate and must enforce the statutes as it is advised the statutes provide.

The application must be dismissed.

An appropriate Order will be entered.

Dated at Tallahassee, Florida,
October 27, 1936.

ORDER NO. 896,
DOCKET NO. 164.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA.

IN RE: MATTER OF AMENDMENT OF RULE NO. 67 RELATING TO GROSS WEIGHT OF MOTOR VEHICLES AS AMENDED BY ORDER NO. 572 DATED MARCH 14, 1933.

1. Pursuant to Notice No. 521 dated July 18, 1936 this matter came on for formal hearing before the Railroad Commission at

its Hearing Room, Supreme Court Building, Tallahassee, Florida, on Thursday, August 13, 1936.

And then and there appeared the following:

Sidney Allen, Esq., for Central Truck Lines, Inc., applicant;

Stanton Walker, Esq., for Holstun & Son and J. J. Kelly, applicants;

Kitchen & Schwartz for L. & L. Truck Lines, Inc., Blue's Truck Line, Aikens Transportation Company and furniture movers;

G. S. Coulter, Esq., for Acme Freight Lines;

L. A. Raulerson, Esq., for National Trucking Company and Great Southern Trucking Company.

John A. Bliss for St. Johns River Line Company;

A. Pickens Coles, Esq., for Tamiami Trail Tours, Inc., John Hovarth for Star Truck Line.

J. H. Elliott, Esq., for Elliott-Young Consolidated;

Judge W. J. Oven for Receivers of Seaboard Air Line Railway Company;

John Summerlin, Esq., for Florida East Coast Railway;

J. R. Hunter, Esq., for Railway Express Agency; Geo.

A. K. Sutton, Esq., of counsel, and J. P. Walker, Esq.,

W. S. Evans, Esq., G. E. Rawlins, Esq., and J. A. Towlin, Esq., for Atlantic Coast Line Railroad Company.

2. All parties entitled to notice and to be heard having been heard, and the Railroad Commission having considered the evidence, and having arrived at conclusions expressed in its opinion filed herein and made a part of this Order:

It is, therefore, CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that for the reasons expressed in said Opinion the applications for amendment of Rule No. 67—GROSS WEIGHT OF MOTOR VEHICLES, be and the same are hereby DISMISSED.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 27th day of October, 1936.

CITATION

ORDER NO. 897,

DOCKET NO. 363.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: COMPLAINT AGAINST GREAT SOUTHERN TRUCKING COMPANY OF JACKSONVILLE, FLORIDA, AS TO VIOLATIONS OF THE LAW AND THE RULES AND REGULATIONS OF THE RAILROAD COMMISSION AND OF THE TERMS AND CONDITIONS OF ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 180.

WHEREAS Great Southern Trucking Company is the holder of Certificate of Public Convenience and Necessity No. 180 authorizing it to operate as a common carrier of freight over certain of the highways of the State of Florida, and it has been represented to this Commission that the said Great Southern Trucking Company is violating the terms and conditions of its said Certificate and the law and the rules of this Commission:

Therefore you, Great Southern Trucking Company, TAKE NOTICE that the Railroad Commission of the State of Florida charges you with violations of amended Rule No. 67, and with disregard of the provisions of your Certificate of Public Convenience and Necessity No. 180 in the following particulars, to-wit:

- (1) A wilful violation of amended Rule No. 67 relating to gross weight of motor vehicles in that you did on the 12th day of November, 1936, operate your Ford tractor and trailer with License Plates GHF 218 and 0115, and with Florida Railroad Commission Plate No. 1098, over State Road No. 4, said truck being loaded with general freight and transporting a greater pay load than 12,000 pounds, to-wit; a pay load of 14,171 pounds.
- (2) A wilful violation of the terms and conditions of your Certificate No. 180, and of amended Rule No. 67 of the rules and regulations of this Commission, in that you did on November 12th, 1936 operate your Ford Tractor and trailer with Florida Licenses GFH 178 and 0110, and with Florida Railroad Commission Plate No. 1184, over State Road No. 4 between Jacksonville, Florida, and the Florida-Georgia State line, said truck being loaded with general freight and transporting thereon a greater pay load

than 12,000 pounds, to-wit; a pay load of 13,929 pounds.

And further TAKE NOTICE that on Thursday, the 3rd day of DECEMBER, 1936, at 10 o'clock, A. M., the Railroad Commission of the State of Florida will be in session at its Hearing Room, Supreme Court Building, Tallahassee, Florida, to hear, consider and determine whether or not you, Great Southern Trucking Company, are guilty of having violated or refused to observe the laws of this State touching the operation of motor vehicles, or any of the terms and conditions of your Certificate of Public Convenience and Necessity No. 180, or of amended Rule No. 67 relating to the weight of motor vehicles, and if found guilty thereof to then and there consider what penalty should be imposed against you under the law.

And at said time and place you will have an opportunity to be heard on said charges.

WITNESS THE HAND of the Chairman of said Railroad Commission, affixed in open session and by its order at Tallahassee, Florida, this 20th day of November, 1936.

CITATION

ORDER NO. 898,

DOCKET NO. 233.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: COMPLAINT AGAINST ACME FREIGHT LINES, INC., OF JACKSONVILLE, FLORIDA, AS TO VIOLATIONS OF THE LAW AND RULES AND REGULATIONS OF THE RAILROAD COMMISSION, AND OF THE TERMS AND CONDITIONS OF ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 185.

WHEREAS Acme Freight Lines, Inc., is the holder of Certificate of Public Convenience and Necessity No. 185 authorizing it to operate as a common carrier of freight over certain of the highways of the State of Florida, and it has been represented to this Commission that the said Acme Freight Lines, Inc., is violating the terms and conditions of its said Certificate, and the law and rules and regulations of this Commission:

Therefore you, ACME FREIGHT LINES, INC., TAKE NOTICE that the Railroad Commission of the State of Florida

charges you with violations of amended Rule No. 67, and with disregard of the provisions of your Certificate of Public Convenience and Necessity No. 185, in the following particulars, to-wit:

- (1) A wilful violation of the terms and conditions of your Certificate No. 185, and of amended Rule No. 67 of the rules and regulations of this Commission in that you did on the 12th day of November, 1936, operate your International Tractor and trailer with Florida Licenses HFH 473 and 0138, and with Florida Railroad Commission Plate No. 1192, over State Road No. 4 between Jacksonville, Florida, and the Georgia-Florida line said truck being loaded with general freight and transporting thereon a greater pay load than 12,000 pounds, to-wit; a pay load of 14,075 pounds.
- (2) A wilful violation of the terms and conditions of your Certificate of Public Convenience and Necessity No. 185, and of amended Rule No. 67 of the rules and regulations of this Commission in that you did on the 12th day of November, 1936, operate your Chevrolet tractor and trailer with Florida Licenses GFH 239 and 0134, and with Railroad Commission Plate No. 1193 over State Road No. 4 between Jacksonville, Florida and the Georgia-Florida State line, said truck being loaded with general freight and transporting thereon a greater pay load than 12,000 pounds, to-wit; a pay load of 14,259 pounds.

And further, **TAKE NOTICE**, that on Thursday, the 3rd day of DECEMBER, 1936, at 10 o'clock, A. M., the Railroad Commission of the State of Florida will be in session at its Hearing Room, Supreme Court Building, Tallahassee, Florida, to hear, consider and determine whether or not you, Acme Freight Lines, Inc., are guilty of having violated or refused to observe the laws of the State of Florida touching the operation of motor vehicles, or any of the terms and conditions of your Certificate of Public Convenience and Necessity No. 185, or of amended Rule No. 67 relating to the weight of motor vehicles, and if found guilty thereof to then and there consider what penalty should be imposed against you under the law.

And at said time and place you will have an opportunity to be fully heard upon said charges.

WITNESS THE HAND of the Chairman of said Railroad Commission, affixed in open session and by its order at Tallahassee, Florida, this 20th day of November, 1936.

CITATION

ORDER NO. 899,
DOCKET NO. 100-6.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: COMPLAINT AGAINST L. & L. FREIGHT LINES, INC., OF MIAMI, FLORIDA, AS TO VIOLATIONS OF THE LAW AND RULES AND REGULATIONS OF THE RAILROAD COMMISSION, AND OF THE TERMS AND CONDITIONS OF ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 14.

WHEREAS L. & L. Freight Lines, Inc., is the holder of Certificate of Public Convenience and Necessity No. 14 authorizing it to operate as a common carrier of freight over certain of the highways of the State of Florida, and it has been represented to this Commission that the said L. & L. Freight Lines, Inc., is violating the terms and conditions of its said Certificate and the laws and rules and regulations of this Commission:

Therefore you, L. & L. Freight Lines, Inc., TAKE NOTICE that the Railroad Commission of the State of Florida charges you with violations of the law and of the rules and regulations of said Commission, and with disregard of the provisions of your Certificate No. 14 in the following particulars, to-wit:

- (1) A wilful violation of the terms and conditions of your Certificate of Public Convenience and Necessity No. 14, and of amended Rule No. 67 of the rules and regulations of this Commission in that you did on the 13th day of November, 1936, operate your G. M. C. Tractor and trailer with Florida Licenses HFH 96 and 0159 and with Railroad Commission Plate No. 918, over State Road No. 4 between Jacksonville, Florida, and the Georgia-Florida State line, said truck being loaded with general freight and transporting a greater pay load than 12,000 pounds, to-wit; a pay load of 13,269 pounds.

And further TAKE NOTICE that on Thursday, the 3rd day of December, 1936, at 10 o'clock, A. M., the Railroad Commis-

sion of the State of Florida will be in session at its Hearing Room, Supreme Court Building, Tallahassee, Florida, to hear, consider and determine whether or not you, L. & L. Freight Lines, Inc., are guilty of having violated or refused to observe the laws of this State touching the operation of motor vehicles, or any of the terms and conditions of your Certificate of Public Convenience and Necessity No. 14, or of amended Rule No. 67 relating to the weight of motor vehicles, and if found guilty thereof to then and there consider what penalty should be imposed against you under the law.

And at said time and place you will have an opportunity to be fully heard on said charge.

WITNESS THE HAND of the Chairman of said Railroad Commission affixed in open session and by its order at Tallahassee, Florida, this 20th day of November, 1936.

ORDER NO. 900.

DOCKET NO. 363.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: SCHEDULES NO. 2A AND NO. 2A3A OF GREAT
SOUTHERN TRUCKING COMPANY OF JACKSONVILLE,
FLORIDA.

1. This matter coming on for consideration by the Commission on the application of Great Southern Trucking Company of Jacksonville, Florida, for the approval of certain seasonal schedules, and it appearing that on account of the great increase in business during the season from October 15th to April 1st of each year that it is necessary for the applicant to increase its schedules between Jacksonville and Tampa and between Jacksonville and Miami, Florida:

It is, therefore, CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that Schedule No. 2A and Schedule 2A3A of the Great Southern Trucking Company, hereto attached, effective from October 15th to April 1st of each year be and the same are hereby approved.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 19th day of November, 1936.

ORDER NO. 901,

DOCKET NO. 363.

**BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA**

**IN RE: APPLICATION OF GREAT SOUTHERN TRUCK-
ING COMPANY FOR APPROVAL OF TIME TABLE NO. 1,
SCHEDULE NO. 1A BETWEEN JACKSONVILLE AND
COCOA, FLORIDA, AND TIME TABLE NO. 1, SCHEDULE
NO. 1A BETWEEN JACKSONVILLE AND FORT PIERCE,
FLORIDA.**

1. This matter coming on for consideration before the Commission, and it appearing that the present seasonal demand for movement by motor truck will necessitate the purchase of a large quantity of equipment to handle such seasonal freight that will not be used during the summer season, and in order to avoid purchase of this equipment and enable it to operate efficiently, the Great Southern Trucking Company is applying to the Commission for the right to delay one of its regular schedules from Jacksonville south at New Smyrna and at Eau Gallie in order to provide daylight store door delivery at points indicated on the schedule with its own trucks and not be required to provide such delivery by contract trucks, or trucks of its agents, as these points:

Wherefore, it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the attached schedule known as Time Table No. 1, Schedule 1A permitting a lay-over at New Smyrna and at Eau Gallie, as shown on said schedule, for the purpose of making daylight store door delivery, be and the same is hereby **APPROVED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 19th day of November, 1936.

ORDER NO. 902,

DOCKET NO. 100-1.

**BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA**

**IN RE: APPLICATION OF CENTRAL TRUCK LINES, INC.,
FOR AUTHORITY TO OPERATE OVER THAT PART OF
HIGHWAY NO. 74 RECENTLY CONSTRUCTED BETWEEN
OCALA AND HERNANDO, FLORIDA.**

1. This matter coming on for consideration before the Commission, and it appearing that Central Truck Lines, Inc., operates from Ocala to Dunnellon, thence down road No. 5 through Hernando on regular schedules, and it having been represented to the Commission that a new highway has been constructed from a point on Road No. 74 directly into Hernando, Florida, which shortens the distance between these two points considerably, and it would be of benefit to the public to permit the operation of Central Truck Lines, Inc., over this route as soon as it is completed and opened for travel, and it appearing that no other transportation company operates over this particular part of such highway:

Wherefore, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that Central Truck Lines, Inc., be and it is hereby authorized to operate over the newly constructed portion of Highway 74 between Ocala and Hernando, Florida, and the schedule attached hereto and made a part of this order be and the same is hereby APPROVED for such operation.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 19th day of November, 1936.

ORDER NO. 903.

DOCKET NO. 85.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: APPLICATION OF K. & L. TRANSPORTATION COMPANY, INC., OF JACKSONVILLE, FLORIDA, FOR APPROVAL OF INTERSTATE SCHEDULES BETWEEN JACKSONVILLE, FLORIDA, AND THE GEORGIA-FLORIDA STATE LINE.

1. This matter coming on for consideration before the Commission upon the application of K. & L. Transportation Company, Inc., of Jacksonville, Florida, for an increase in schedules on their interstate operation between Jacksonville, Florida, and the Georgia-Florida State line enroute to Waycross, Georgia, and it appearing that the interstate tonnage of the applicant is constantly increasing, and that for the month of October, 1936, they had a total of outbound freight of 2,059,174 pounds and inbound freight of 859,293 pounds, and that the present schedules

are entirely inadequate for the transportation of such freight unless many additional sections of their schedule are operated, and it appearing further that safety of the highways and proper supervision of the operation could be effected by permitting an additional schedule:

Wherefore, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the attached schedules Nos. 1, 2, 3, 4, 5, 6 and 7 of K. & L. Transportation Company, Inc., operating interstate between Jacksonville, Florida, and Waycross, Georgia, be and the same are hereby APPROVED.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 19th day of November, 1936.

ORDER NO. 904,

DOCKET NO. 363.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: APPLICATION OF GREAT SOUTHERN TRUCKING COMPANY OF JACKSONVILLE, FLORIDA, FOR AUTHORITY TO TRANSPORT ON DEADHEAD TRUCKS FREIGHT PICKED UP THE PREVIOUS DAY WHICH THE REGULAR SCHEDULE TRUCKS COULD NOT TRANSPORT.

1. This matter coming on for consideration before the Commission upon the application of Great Southern Trucking Company to permit it to handle overflow freight at intermediate points on its off schedule or deadhead trucks, and it appearing that Great Southern Trucking Company now operates trucks out of Jacksonville with solid loads for some intermediate points such as Lakeland or West Palm Beach, and that such trucks after unloading their freight return to Jacksonville deadhead and off schedule. It further appears that its trucks operating out of Miami and Tampa on regular schedule are completely loaded at terminal points and unable to pick up freight at intermediate points such as Lakeland or West Palm Beach, and it would greatly expedite the operation of the applicant, and be in the interest of the public, if these trucks operating deadhead were permitted to pick up such freight at intermediate points as had

been collected and billed for transportation the previous day which the regular schedule trucks could not handle:

Wherefore, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that Great Southern Trucking Company is hereby authorized to transport on its trucks that are being deadheaded, or run off schedule, back to terminal points, such freight as had already been collected at intermediate points and billed for transportation the previous day but which said freight the regular schedule trucks of the previous day were unable to transport by reason of being loaded to capacity.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 19th day of November, 1936.

ORDER NO. 905,
DOCKET NO. 164.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: CHANGE OF RULE NO. 62.

1. It appearing that under the operation of Rule No. 62 of the Rules and Regulations of the Florida Railroad Commission auto transportation companies are prohibited from extending credit allowance beyond a period of ten days; and it further appearing that the Interstate Commerce Commission has a rule which permits an extension of credit for a period of fifteen days, and this Commission being of opinion that there should be a uniform rule with reference to both interstate and intrastate carriers, and that a change in this rule would be of benefit to the carriers and the public:

It is, therefore, CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that Rule No. 62 of the Rules and Regulations of the Commission governing the transportation of persons and property for compensation over the public highways of the State of Florida by motor vehicle be and the same is hereby amended to read as follows:

"RULE 62—CREDIT ALLOWANCE. NO CREDIT ALLOWANCE EXTENDING BEYOND A PERIOD OF FIFTEEN (15) DAYS SHALL BE ALLOWED BY AUTO TRANSPORTATION COMPANIES OPERAT-

ING UNDER THE JURISDICTION OF THE RAILROAD
COMMISSION."

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 19th day of November, 1936.

CITATION

ORDER NO. 906,
DOCKET NO. 101-11.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: COMPLAINT AGAINST COAST TO COAST SYSTEM, INC., AND/OR GREAT SOUTHERN TRUCKING COMPANY FOR VIOLATIONS OF THE LAW AND RULES AND REGULATIONS OF THE FLORIDA RAILROAD COMMISSION.

1. This matter coming on for consideration before the Commission, and it appearing that Citation was issued against the COAST TO COAST SYSTEM, INC., and/or GREAT SOUTHERN TRUCKING COMPANY, charging each with violations of the law and rules of said Commission dated February 31, 1936, and the matter was set down for hearing, informally passed and has never been heard

It is, therefore, CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida for good cause shown said complaint and citation be and the same is hereby DISMISSED.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 5th day of November, 1936.

ORDER NO. 907,
DOCKET NO. 100-123.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: GULF COAST MOTOR LINE, INC., APPROVAL OF SCHEDULE NO. 1, OF TIME TABLE NO. 5, EFFECTIVE DECEMBER 15, 1936.

This matter came on before the Commission for consideration on the application of Gulf Coast Motor Line, Inc., for approval of Schedule No. 1, of Time Table No. 5, and it appearing that the schedules proposed for operation are winner schedules, and that it is necessary to add one round trip through Tampa Shores:

It is, therefore, CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the attached copy of Schedule No. 1 of Time Table No. 5, effective December 15, 1936, of Gulf Coast Motor Line, Inc., be and the same is hereby APPROVED.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 4th day of December, 1936.

ORDER NO. 908,

DOCKET NO. 100-137.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: APPLICATION OF SOUTHERN TOURS, INC., FOR
AN OPTIONAL ROUTING OF THEIR BOK TOWER AND
MIAMI CIRCLE TOUR SIGHTSEEING TRIPS BETWEEN
LAKE WALES AND WINTER HAVEN, FLORIDA.

1. This matter coming on for consideration upon the application of Southern Tours, Inc., for an optional routing of its Bok Tower and Miami Circle Tour sightseeing trips between Lake Wales and Winter Haven, Florida, and it appearing that this optional tour is proposed in order to allow a stop off sightseeing at the Florida Cypress Gardens, and for the additional reason that the rough road on the Dundee route is eliminated:

Wherefore, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that Southern Tours, Inc., is hereby authorized to operate as an optional route from Lake Wales north on Highway No. 8 to Waverly, thence to Winter Haven.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 4th day of December, 1936.

ORDER NO. 909,

DOCKET NO. 100-108.

**BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA**

**IN RE: FAILURE OF TERMINAL TRANSFER COMPANY TO
PAY MILEAGE TAX AND FILE REPORT WITH THE
COMPTROLLER FOR THE MONTHS OF NOVEMBER AND
DECEMBER, 1935.**

1. By Order No. 843 dated February 26, 1936, the Terminal Transfer Company of Tampa, Florida, was found guilty of failure to report the mileage made by it over the highways of the State during the months of November and December, 1935, and to pay the mileage tax for such operation, and penalties were assessed against it as follows:

1. REVOCATION OF CERTIFICATE NO. 151.

2. PAYMENT TO THE STATE TREASURER THE
SUM OF \$50.00 AS A FINE.

and it appearing that the said fine has been paid:

It is, therefore, CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the payment of the said sum of \$50.00 as a fine is accepted as full satisfaction of all penalties fixed in said Order and Citation against the said Terminal Transfer Company is hereby dismissed.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 3rd day of August, 1936.

ORDER NO. 910,

DOCKET NO. 415.

**BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA**

**IN RE: APPLICATION OF RAILWAY EXPRESS AGENCY OF
MIAMI, FLORIDA, FOR A PERMIT AS A FOR HIRE CAR-
RIER TRANSPORTING RACE HORSES BETWEEN TROPIC-
AL PARK RACE TRACK AND HIALEAH PARK RACE
TRACK.**

1. On October 31, 1936, the Railway Express Agency filed its application for a Permit to operate an auto transportation com-

pany transporting by motor vehicle race horses between the Tropical Park race track and the Hialeah Park race track over the roads known as the Bird Road—Red Road and Palm Avenue, being a direct route between said tracks. The applicant has presented a letter from the City of Miami, Florida, signed by the Chief of the License Division, certifying that the Railway Express Agency is licensed in the City of Miami to engage in the business of express company for the year 1936-1937 and has been so licensed since the year 1924. The applicant has also filed insurance covering the vans which it proposes to use in this operation and has made the necessary deposit to guarantee the payment of mileage tax.

2. Protest has been made on the part of Leonard Brothers Transfer and Storage Company against the granting of the application on the ground, among others, that the applicant, Railway Express Agency, is not a for hire carrier in the City of Miami as contemplated by the provisions of Chapter 14764, Acts of 1931. Protest has also been made to the granting of this application by John E. Withers Transfer and Storage Company of Miami, Florida.

3. Section 5 of Chapter 14764, Acts of 1931, provides that where an application in due form is filed with the Railroad Commission for a permit as a for hire carrier "the Commission shall issue the same as of course and without notice of public hearing." Said Act also provides that while it is the duty of the Commission to issue a permit as a matter of course the Commission "may prescribe such reasonable rules, regulations and restrictions in such permit as it may deem necessary for the safety and conservation thereof and the protection and preservation of transportation facilities as a whole in the territory involved."

4. The Commission has considered this application, which appears in due and legal form, and determined that the same should be granted as a matter of right and of course and without notice or public hearing. In view of the protests that have been made the Commission is also of the opinion that hearing should be had to determine whether the service proposed is in fact and in law for hire carriage, or whether it is subject to classification as either contract carriage or common carriage.

Wherefore, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that a temporary permit as a for hire carrier be and the same is hereby issued to the applicant, Railway Express Agency, Inc., to operate as an auto transportation company with two tractor and trailer

horse vans transporting race horses between Tropical Park race track and the Hialeah Park race track, both points located in Dade County, Florida, using the State highways or county roads or city streets connecting such race tracks.

It is further ORDERED that this matter be and the same is hereby set down for hearing on Tuesday, the 29th day of December, 1936, at the Hearing Room of this Commission in the Supreme Court Building, Tallahassee, Florida, to hear and determine whether or not the said operation is in fact and in law for hire carriage and to determine what restrictions, if any, shall be placed in the permit, if granted, and to hear and determine whether or not the temporary permit shall be made permanent, and to hear all other matters and things pertinent to be heard by the Commission.

At which time the Railway Express Agency and all other parties interested will have an opportunity to be fully heard.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in regular session at its office in the City of Tallahassee, Florida, on this 4th day of November, 1936.

ORDER NO. 911,
DOCKET NO 193.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: FAILURE OF ROBINSON'S TRANSFER TO PAY
MILEAGE TAX AND TO FILE REPORT WITH THE COMP-
TROLLER FOR THE MONTHS OF NOVEMBER AND DE-
CEMBER, 1935.

1. By Order No. 845 dated February 26, 1936, Robinson's Transfer of Orlando, Florida, was found guilty of failure to report the mileage made by it over the highways of the State during the months of November and December, 1935, and to pay the mileage tax to the Comptroller of the State of Florida for such operation and penalties were fixed as follows:

1. REVOCATION OF CERTIFICATE NO. 156.
2. PAYMENT TO THE STATE TREASURER THE
SUM OF \$50.00 AS A FINE.

2. It now appears that the said sum of \$50.00 as a fine has been paid.

Wherefore, it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the payment of the said sum of \$50.00 as a fine by said Robinson's Transfer is accepted as full satisfaction of all penalties fixed in said Order and the Citation against the said Robinson's Transfer is hereby **DISMISSED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 3rd day of August, 1936.

ORDER NO. 912,
DOCKET NO. 311.

**BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA**

**IN RE: FAILURE OF FERRIS WAREHOUSE & STORAGE
COMPANY OF PENSACOLA, FLORIDA, TO PAY MILEAGE
TAXES FOR THE MONTHS OF NOVEMBER AND DECEMBER,
1935.**

1. On the 30th day of January, 1936, Citation was issued against Ferris Warehouse & Storage Company charging it with failure to file with the Comptroller a statement showing the mileage made by it over the public highways of the State of Florida during the months of November and December, 1935, and with failure to pay the mileage taxes due by it for such operation.

2. This matter was set down for hearing at the Angebilt Hotel, Orlando, Florida, on the 10th day of February, 1936, at which time it appeared that Ferris Warehouse & Storage Company did not operate during the months of November and December, 1935, and were under the impression that they were not required to file a report. It further appeared that they had paid to the Comptroller all mileage taxes made by it prior to such time. While it is necessary that auto transportation companies should make reports for each month whether they have made any mileage during said month or not no action was taken against the Ferris Warehouse & Storage Company in this matter.

Wherefore, it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the Citation issued against Ferris Warehouse & Storage Company for failure to file a report for its operations over the highways

during November and December, 1935 be, and the same is hereby DISMISSED.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 3rd day of August, 1936.

ORDER NO. 913,

DOCKET NO. 100-10.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: FAILURE OF ST. JOHNS RIVER LINE COMPANY TO
PAY THE MILEAGE TAXES AND FILE REPORT WITH
THE COMPTROLLER FOR THE MONTHS OF NOVEMBER
AND DECEMBER, 1935.

1. By Order No. 844 dated February 26, 1936, St. Johns River Line Company of Jacksonville, Florida, was found guilty of failure to report the mileage made by it over the highways of the State of Florida during the months of November and December, 1935, and to pay the mileage tax due for such operation and penalties were assessed against it as follows:

1. REVOCATION OF CERTIFICATE NO. 80.
2. PAYMENT TO THE STATE TREASURER, TALLAHASSEE, FLORIDA, THE SUM OF \$50.00 AS A FINE.

2. It now appears that the fine of \$50.00 has been paid.

Wherefore, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the payment of the said fine of \$50.00 is accepted as full satisfaction of all penalties fixed in said Order, and that the Citation issued against the said St. Johns River Line Company be and the same is hereby satisfied and CANCELED.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 3rd day of August, 1936.

ORDER NO. 914,
DOCKET NO. 326.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: FAILURE OF BAINBRIDGE-COLUMBUS MOTOR
LINES TO PAY MILEAGE TAX AND FILE REPORTS WITH
THE COMPTROLLER FOR THE MONTHS OF NOVEMBER
AND DECEMBER, 1935.

1. By Order No. 848 dated February 26, 1936, Bainbridge-Columbus Motor Lines were found guilty of failure to report the mileage made by it and to pay the taxes for the months of November and December, 1935, and penalties were fixed against it as follows:

1. REVOCATION OF CERTIFICATE NO. 194.
2. PAYMENT TO THE STATE TREASURER, TALLAHASSEE, FLORIDA, THE SUM OF \$50.00 AS A FINE.

2. It now appears that the said sum of \$50.00 as a fine has been paid.

Wherefore, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the payment of the said sum of \$50.00 as a fine is accepted as full satisfaction of all penalties fixed in said Order, and that the judgment of the Railroad Commission is fully satisfied and the Citation proceedings against Bainbridge-Columbus Motor Lines be and the same are hereby DISMISSED.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 3rd day of August, 1936.

ORDER NO. 915,
DOCKET NO 233.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: APPLICATION OF ACME FREIGHT LINES, INC., OF JACKSONVILLE, FLORIDA, TO ROUTE THEIR TRUCKS LEAVING JACKSONVILLE VIA BEAVER STREET TO EDGEWOOD GARDENS, THENCE NORTH TO ROUTE 4 ENROUTE TO WACROSS, GA.

1. This matter coming on for consideration before the Railroad Commission upon the application of Acme Freight Lines, Inc., to reroute their trucks out of Jacksonville, Florida, enroute to Waycross, Georgia, and it appearing that in the past this company has routed its trucks over the Adams Street-Myrtle Avenue route, thence to Kings Road, thence to the city limits, thence over Highway No. 4, and that in using said route it is necessary to cross four railroads and that said route is dangerous and the Acme Freight Lines, Inc., now desires to change said route.

Wherefore, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that Acme Freight Lines, Inc., is hereby authorized to operate their motor vehicles from Jacksonville enroute to Waycross, Georgia, via Beaver Street (and State Road No. 1) as far as Edgewood Gardens, thence north over a County Road to State Road No. 4.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 18th day of November, 1936.

ORDER NO 916,
DOCKET NO. 216.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: APPLICATION OF THE RECEIVERS OF SEABOARD
AIR LINE RAILWAY FOR APPROVAL OF TIME TABLE
NO. 1, SCHEDULE NO. 2, SUPERSEDING SCHEDULE NO.
1 BETWEEN MONTICELLO AND DRIFTON, FLORIDA, EF-
FECTIVE DECEMBER 10TH, 1936.

1. This matter came on for consideration before the Railroad Commission upon the application of Receivers of Seaboard Air Line Railway Company to make certain changes in the schedule of their combination bus and truck operating between Monticello and Drifton, Florida, and it appearing that due to the change in schedule of their passenger train No. 37, which now passes Drifton at 3:22 P. M. instead of 2:39 P. M. it is necessary to make two round trips between Monticello and Drifton daily, except Sunday, in lieu of the one round trip heretofore made, and for this reason it is necessary to change the schedule of the combination bus and truck operated between Monticello and Drifton:

Wherefore, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the application of the Receivers of Seaboard Air Line Railway Company is granted, and the attached Schedule No. 2 of Time Table No. 1, superseding Schedule No. 1, authorizing certain changes in the schedule between Monticello and Drifton be and the same is hereby APPROVED. Effective December 10, 1936.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 2nd day of December, 1936.

ORDER NO. 917,

DOCKET NO. 233.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: FAILURE OF ACME FREIGHT LINES, INC., OF
JACKSONVILLE, FLORIDA, TO OBSERVE RULE NO. 66 OF
THE COMMISSION AND LAWS OF THE STATE OF
FLORIDA.

1. By Order No. 851 dated February 26, 1936 Acme Freight Lines, Inc., was found guilty of a violation of Rule No. 66 in that it permitted its driver O. B. Edmonds on or about December 21, 1935 to be or remain continuously on duty for a longer period of time than twelve consecutive hours, and that while on duty overtime as aforesaid he operated a truck of the Acme Freight Lines, Inc., over the highways of the State of Florida between Tampa and Jacksonville and penalties were fixed against it as follows:

1. REVOCATION OF CERTIFICATE NO. 185.
2. PAYMENT TO THE STATE TREASURER, TALLAHASSEE, FLORIDA, THE SUM OF \$50.00 AS A FINE.

2. It appears that on March 28, 1936 the fine of \$50.00 was paid by the Acme Freight Lines, Inc.

Wherefore, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the payment of the said fine in the sum of \$50.00 is accepted as full satisfaction of all penalties fixed by said Order No. 851, and the judgment of the Commission is fully satisfied and the Citation proceedings are hereby DISMISSED.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 9th day of April, 1936.

ORDER NO. 918,
DOCKET NO. 349.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: APPLICATION OF P. T. MALONE, OPERATING UNDER THE NAME OF MALONE HORSE PULLMAN SERVICE, OF CORAL GABLES, FLORIDA, FOR A PERMIT TO OPERATE AN AUTO TRANSPORTATION COMPANY TRANSPORTING RACE HORSES BETWEEN THE HIALEAH AND TROPICAL PARK RACE TRACKS IN DADE COUNTY, FLORIDA.

William J. Pruitt, Attorney, appeared for the applicant.

1. On December 10, 1936, P. T. Malone, operating under the name of Malone Horse Pullman Service, filed its application for a permit to operate two horse pullman vans for the purpose of transporting race horses between the Tropical Park and the Hialeah Park race tracks in Dade County, Florida.

The applicant has presented a letter from the City Clerk and Treasurer of the City of Hialeah, Florida, certifying that he is licensed to do business in the City of Hialeah and has also stated that he is a for hire carrier regulated by the said city. An examination of the application shows on its face that it is in due and legal form and presents a prima facie case for the issuance of a permit as a for hire carrier.

2. Protests on the part of those who are operating in Dade County now transporting race horses under permits from this Commission having been made to the granting of any further permits, and the Commission having determined that it shall be its policy to issue temporary permits only until a hearing could be had to determine whether the service proposed is in fact and in law for hire carriage, and what restrictions, if any shall be written into the permit under the provisions of Section 5 of Chapter 14764, Acts of 1931.

Wherefore, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that a temporary permit as a for hire carrier be and the same is hereby

granted to the applicant, P. T. Malone, operating under the name of Malone Horse Pullman Service, authorizing the operation of two pullman horse vans transporting race horses between Tropical Park and Hialeah Park, both points located in Dade County, Florida, using the highways of the State for such purpose.

It is further ordered that this matter and the same is hereby set down for hearing on Tuesday, the 29th day of December, 1936, at the Hearing Room of this Commission in the Supreme Court Building, Tallahassee, Florida, to hear and determine whether or not the said operation is in fact and in law for hire carriage and to determine what restrictions, if any, shall be placed in said permit and to hear and to determine whether or not the temporary permit hereby granted shall be made permanent and to hear and consider all other matters that may regularly come before the Commission.

At which time P. T. Malone, operating as Malone Horse Pullman Service, and all other parties interested will have an opportunity to be fully heard.

DONE AND ORDERED by the Railroad Commission of the State of Florida in regular session at Tampa, Florida, this 10th day of December, 1936.

CITATION

ORDER NO. 919,
DOCKET NO. 100-6.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: COMPLAINT AGAINST L. & L. FREIGHT LINES, INC., OF MIAMI, FLORIDA, AS TO VIOLATIONS OF THE LAW AND RULES AND REGULATIONS OF THE RAILROAD COMMISSION, AND OF THE TERMS AND CONDITIONS OF ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 14.

WHEREAS L. & L. Freight Lines, Inc., is the holder of Certificate of Public Convenience and Necessity No. 14 authorizing it to operate as a common carrier of freight over certain of the highways of the State of Florida and it has been represented to this Commission that the said L. & L. Freight Lines, Inc., has violated the terms and conditions of its Certificate and the laws and rules and regulations of this Commission:

Therefore you, L. & L. Freight Lines, Inc., **TAKE NOTICE** that the Railroad Commission of the State of Florida charges you with violations of the law and of the rules and regulations of said Commission and with disregard of the provisions of your Certificate No. 14 in the following particulars, to-wit:

- (1) A wilful violation of the terms and conditions of your Certificate of Public Convenience and Necessity No. 14 and of amended Rule No. 67 of the rules and regulations of this Commission in that you did on the 9th day of December, 1936, operate your Indiana Tractor and trailer with no Florida license tag on the tractor and with Florida license No. 0-160 on the trailer and with Railroad Commission Plate No. 937 over state road No. 4 between Jacksonville, Florida and the Georgia-Florida state line, and said vehicle being loaded with general freight and transporting a gross load in excess of 20,000 pounds to-wit; a gross load of 32,300 pounds;
- (2) A wilful violation of the terms and conditions of your Certificate of Public Convenience and Necessity No. 14 and of amended Rule No. 67 of the rules and regulations of this Commission in that you did on the 9th day of December, 1936, operate your International tractor and trailer with Florida licenses HPH-86 and 0-161 and with Florida Railroad Commission Plate No. 1359 over state road No. 4 between Jacksonville, Florida, and the Georgia-Florida state line, said truck being loaded with general freight and transporting a greater gross load than 20,000 pounds, to-wit; a gross load of 33,600 pounds.

And further **TAKE NOTICE** that on Wednesday the 6th day of January, 1927, at ten o'clock, A. M., the Railroad Commission of the State of Florida will be in session at its hearing room in the Supreme Court building, Tallahassee, Florida, to hear, consider and determine whether or not you, L. & L. Freight Lines, Inc., are guilty of having violated or refused to observe the laws of this state touching the operation of your motor vehicles, or any of the terms and conditions of your Certificate of Public Convenience and Necessity No. 14 or of amended Rule No. 67 relating to the weight of motor vehicles and if found guilty thereof to then and there consider what penalty should be imposed against you under the law.

And at said time and place you will have an opportunity to be fully heard on said charge.

WITNESS THE HAND of the Chairman of said Railroad Commission affixed in open session and by its order at Tallahassee, Florida, this 18th day of December, 1936.

ORDER NO. 920,

DOCKET NO. 233.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: CITATION OF ACME FREIGHT LINES, INC., OF JACKSONVILLE, FLORIDA, FOR VIOLATIONS OF AMENDED RULE NO. 67 OF THE RULES AND REGULATIONS OF THE FLORIDA RAILROAD COMMISSION AND OF THE TERMS AND CONDITIONS OF ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 185.

1. Pursuant to Citation issued in above entitled cause on the 20th day of November, 1936, this matter came on for hearing before the Railroad Commission of the State of Florida at its hearing room in the Supreme Court Building, Tallahassee, Florida, on December 3, 1936, at 10 o'clock. A. M.

At said hearing George S. Coulter, Attorney at Law of Jacksonville, Florida, appeared in behalf of respondent, Acme Freight Lines, Inc.

2. At the hearing the respondent, through its attorney pleaded guilty to having transported a pay load of greater than 12,000 pounds on each of the times as charged in said Citation order, but requested that the Commission defer action in the matter pending the litigation now before the U. S. District Court in South Carolina, which will determine the authority of State regulatory bodies to prescribe and enforce weight regulations against vehicles engaged in interstate commerce. The Commission is of the opinion that its weight regulations are enforceable against all who use the highways of this state to transport persons or property for compensation and particularly against carriers of interstate commerce in view of two recent decisions of the Federal District Court for the Southern District of Florida and a decision by the Circuit Court for Nassau County, Florida, all sustaining this authority with respect to vehicles transporting interstate commerce.

3. From the record and the evidence herein, the Commission, being fully advised in the premises, finds as follows:

- (1) That Acme Freight Lines, Inc., is guilty of a wilful violation of the terms and conditions of its Certificate of Public Convenience and Necessity No. 185 and of amended Rule No. 67 of the rules and regulations of this Commission in that it did on the 12th day of November, 1936, operate its International Tractor and Trailer with Florida Licenses HFH 473 and 0-138 and with Florida Railroad Commission Plate No. 1192 over state road No. 4 between Jacksonville and the Georgia-Florida state line, said truck being loaded with general freight and transporting thereon a greater pay load than 12,000 pounds, to-wit: pay load of 14,075 pounds.
- (2) That Acme Freight Lines, Inc., is guilty of a wilful violation of the terms and conditions of its Certificate of Public Convenience and Necessity No. 185 and of amended Rule No. 67 of the rules and regulations of this Commission and that it did on the 12th day of November, 1936, operate its Chevrolet Tractor and trailer with Florida licenses GFH-239 and 0-134 and with Railroad Commission Plate No. 1193 over state road No. 4 between Jacksonville and the Georgia-Florida state line, said truck being: loaded with general freight and transporting thereon a greater pay load than 12,000 pounds, to-wit: a pay load of 14,259 pounds.

Wherefore, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that Acme Freight Lines, Inc., has incurred penalties for such violations, which penalties are hereby fixed as follows:

- (1) SUSPENSION FOR A PERIOD OF FIVE DAYS OF ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 185, AND OF ITS RIGHT TO OPERATE THEREUNDER SAID SUSPENSION TO BEGIN TO RUN AT 12:01 A. M., DECEMBER 23, 1936.
- (2) PAYMENT TO THE TREASURER OF THE STATE OF FLORIDA OF A FINE OF TWENTY-FIVE (\$25.00) FOR EACH OF SAID OFFENSES, MAKING A TOTAL FINE OF FIFTY (\$50.00).

It is further, CONSIDERED, ORDERED AND ADJUDGED that payment by said Acme Freight Lines, Inc., of the said fine of fifty (\$50.00) on or before the 22nd day of December, 1936,

will be accepted as full satisfaction of all penalties herein fixed, otherwise the suspension as above fixed shall go into effect.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 18th day of December, 1936.

ORDER NO. 921,

DOCKET NO. 363.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: CITATION OF GREAT SOUTHERN TRUCKING COMPANY, OF JACKSONVILLE, FLORIDA, FOR VIOLATIONS OF AMENDED RULE NO. 67 OF THE RULES AND REGULATIONS OF THE FLORIDA RAILROAD COMMISSION AND OF THE TERMS AND CONDITIONS OF ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 180.

1. Pursuant to Citation issued in above entitled cause on the 20th day of November, 1936, this matter came on for hearing before the Railroad Commission of the State of Florida at its hearing room in the Supreme Court Building, Tallahassee, Florida, on December 3, 1936, at 10 o'clock, A. M.

At said hearing Stanton Walker, Attorney at Law, Jacksonville, Florida, appeared in behalf of respondent, Great Southern Trucking Company.

2. At the hearing the respondent, through its attorney pleaded guilty to having transported a pay load of greater than 12,000 pounds on each of the times as charged in said Citation order, but requested that the Commission defer action in the matter pending the litigation now before the U. S. District Court in South Carolina, which will determine the authority of State regulatory bodies to prescribe and enforce weight regulations against vehicles engaged in interstate commerce. The Commission is of the opinion that its weight regulations are enforceable against all who use the highways of this state to transport persons or property for compensation and particularly against carriers of interstate commerce in view of two recent decisions of the Federal District Court for the Southern District of Florida and a decision by the Circuit Court for Nassau County, Florida, all sustaining this authority with respect to vehicles transporting interstate commerce.

3. From the record and the evidence herein, the Commission, being fully advised in the premises, finds as follows:

- (1) That Great Southern Trucking Company, is guilty of a wilful violation of the terms and conditions of its Certificate of Public Convenience and Necessity No. 180 and of amended Rule No. 67 of the rules and regulations of this Commission in that it did on the 12th day of November, 1936, operate its Ford Tractor and trailer with Florida License tags numbered GHF 218 and 0-113 and with Florida Railroad Commission Plate No. 1098, over state road No. 4 between Jacksonville and the Georgia-Florida state line, said truck being loaded with general freight and transporting thereon a greater pay load than 12,000 pounds, to-wit: pay load of 14,171 pounds.
- (2) That Great Southern Trucking Company, is guilty of a wilful violation of the terms and conditions of its Certificate of Public Convenience and Necessity No. 180 and of amended Rule No. 67 of the rules and regulations of this Commission and that it did on the 12th day of November, 1936, operate its Ford Tractor and trailer with Florida license tags numbered GFH 176 and 0-110 and with Florida Railroad Commission Plate No. 1184 over state road No. 4 between Jacksonville and the Georgia-Florida state line, said truck being loaded with general freight and transporting thereon a greater pay load than 12,000 pounds, to-wit; a pay load of 13,929 pounds.

Wherefore, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that Great Southern Trucking Company, has incurred penalties for such violations, which penalties are hereby fixed as follows:

- (1) SUSPENSION FOR A PERIOD OF FIVE DAYS OF ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 180, AND OF ITS RIGHT TO OPERATE THEREUNDER, SAID SUSPENSION TO BEGIN TO RUN AT 12:01, A. M., DECEMBER 23, 1936.
- (2) PAYMENT TO THE TREASURER OF THE STATE OF FLORIDA OF A FINE OF TWENTY-FIVE DOLLARS (\$25.00) FOR EACH OF SAID OFFENSES, MAKING A TOTAL FINE OF FIFTY DOLLARS (\$50.00).

It is further CONSIDERED, ORDERED AND ADJUDGED that payment by said Great Southern Trucking Company, of the said fine of fifty dollars (\$50.00) on or before the 22nd day of December, 1936, will be accepted as full satisfaction of all penalties herein fixed, otherwise the suspension as above fixed shall go into effect.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 18th day of December, 1936.

ORDER NO. 922,

DOCKET NO. 100-6.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: CITATION OF L. & L. FREIGHT LINES, INC., OF MIAMI, FLORIDA, FOR VIOLATIONS OF AMENDED RULE NO. 67 OF THE RULES AND REGULATIONS OF THE FLORIDA RAILROAD COMMISSION AND OF THE TERMS AND CONDITIONS OF ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 14.

1. Pursuant to Citation issued in above entitled cause on the 20th day of November, 1936, this matter came on for hearing before the Railroad Commission of the State of Florida at its hearing room in the Supreme Court Building, Tallahassee, Florida, on December 3, 1936, at 10 o'clock, A. M.

At said hearing Dan R. Schwartz, Attorney at Law, of Jacksonville, Florida, appeared in behalf of respondent, L. & L. Freight Lines, Inc.

2. At the hearing the respondent, through its attorney pleaded guilty to having transported a pay load of greater than 12,000 pounds on each of the times as charged in said Citation order, but requested that the Commission defer action in the matter pending the litigation now before the U. S. District Court in South Carolina, which will determine the authority of State regulatory bodies to prescribe and enforce weight regulations against vehicles engaged in interstate commerce. The Commission is of the opinion that its weight regulations are enforceable against all who use the highways of this state to transport persons or property for compensation and particularly against carriers of interstate commerce in view of two recent decisions of the Federal District Court for the Southern District

of Florida and a decision by the Circuit Court for Nassau County, Florida, all sustaining this authority with respect to vehicles transporting interstate commerce.

3. From the record and the evidence herein, the Commission, being fully advised in the premises, finds as follows:

That L. & L. Freight Lines, Inc., is guilty of a wilful violation of the terms and conditions of its Certificate of Public Convenience and Necessity No. 14 and of amended Rule No. 67 of the rules and regulations of this Commission in that it did on the 13th day of November, 1936, operate its G. M. C. Tractor and trailer with Florida licenses HFH 96 and 0-159 and with Florida Railroad Commission Plate No. 918 over state road No. 4 between Jacksonville, Florida and the Georgia-Florida state line, the said vehicle being loaded with general freight and transporting a greater pay load than 12,000 pounds, to-wit: a pay load of 13,269 pounds.

Wherefore, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that L. & L. Freight Lines, Inc., has incurred penalties for such violations, which penalties are hereby fixed as follows:

- (1) SUSPENSION FOR A PERIOD OF FIVE DAYS OF ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 14, AND OF ITS RIGHT TO OPERATE THEREUNDER, SAID SUSPENSION TO BEGIN TO RUN AT 12:01, A. M., DECEMBER 23, 1936.
- (2) PAYMENT TO THE TREASURER OF THE STATE OF FLORIDA OF A FINE OF TWENTY-FIVE DOLLARS (\$25.00).

It is further CONSIDERED, ORDERED AND ADJUDGED that payment by said L. & L. Freight Lines, Inc., of said fine of twenty-five dollars (\$25.00) on or before the 22nd day of December, 1936, will be accepted as full satisfaction of all penalties herein fixed, otherwise the suspension as above fixed shall go into effect.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 18th day of December, 1936.

CITATION

ORDER NO. 923,

DOCKET NO. 100-10.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: COMPLAINT AGAINST ST. JOHNS RIVER LINE
COMPANY OF JACKSONVILLE, FLORIDA, AS TO VIOLA-
TIONS OF THE LAW AND RULES AND REGULATIONS OF
THE RAILROAD COMMISSION AND OF THE TERMS AND
CONDITIONS OF ITS CERTIFICATE OF PUBLIC CONVENI-
ENCE AND NECESSITY NO. 80.

WHEREAS, St. Johns River Line Company of Jacksonville, Florida, is the holder of Certificate of Public Convenience and Necessity No. 80 authorizing it to operate as a common carrier of freight over certain of the highways of the state of Florida and it has been represented to this Commission that the said St. Johns River Line Company has violated the terms and conditions of its said Certificate and the laws and rules and regulations of this Commission:

Therefore you, St. Johns River Line Company **TAKE NOTICE** that the Railroad Commission of the State of Florida charges you with violations of the law and of the rules and regulations of said Commission and disregard of the provisions of your Certificate No. 80 in the following particulars, to-wit:

- (1) A wilful violation of the terms and conditions of your Certificate of Public Convenience and Necessity No. 80 and of amended Rule No. 67 of the rules and regulations of this Commission in that you did on the 24th day of November, 1936, operate your Chevrolet Tractor and semi-trailer with Florida licenses HFH-847 and L-289 and with Florida Railroad Commission Plate No. 1381 over state road No. 3 between Orlando, Florida, and Sanford, Florida, and said vehicle being loaded with general freight and transporting a greater pay load than 12,000 pounds, to-wit; a pay load of 18,945 pounds:
- (2) A wilful violation of the terms and conditions of your Certificate of Public Convenience and Necessity No. 80 and of amended Rule No. 67 of the rules and regulations of this Commission in that you did on the 25th day of November, 1936, operate your Chevrolet Tractor and semi-trailer with Florida li-

censes GK-40159 and L-475, over state road No. 3 between Sanford, Florida and Tampa, Florida, and said vehicle being loaded with general freight and transporting a greater pay load than 12,000 pounds, to-wit: a pay load of 19,223 pounds:

- (3) A wilful violation of the terms and conditions of your Certificate of Public Convenience and Necessity No. 80 and of amended Rule No. 67 of the rules and regulations of this Commission in that you did on the 25th day of November, 1936, operate your International tractor and semi-trailer with Florida licenses HFH-498 and 0-392 and with Florida Railroad Commission Plate No. 1386 over state road No. 3 between Sanford, Florida and Tampa, Florida, and said vehicle being loaded with general freight and transporting a greater pay load than 12,000 pounds, to-wit: a pay load of 14,384 pounds.

And further **TAKE NOTICE** that on Wednesday, the 6th day of January, 1927, at ten o'clock, A. M., the Railroad Commission of the State of Florida will be in session at its hearing room in the Supreme Court Building, Tallahassee, Florida, to hear, consider and determine whether or not you, St. Johns River Line Company, are guilty of having violated or refused to observe the laws of this state touching the operation of your motor vehicles, or any of the terms and conditions of your Certificate of Public Convenience and Necessity No. 80 or of amended Rule No. 67 relating to the weight of motor vehicles and if found guilty thereof to then and there consider what penalty should be imposed against you under the law.

And at said time and place you will have an opportunity to be fully heard on said charge.

WITNESS THE HAND of the Chairman of said Railroad Commission affixed in open session and by its order at Tallahassee, Florida, this 18th day of December, 1936.

ORDER NO. 924,
DOCKET NO. 100-139.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: APPLICATION OF ATLANTIC GREYHOUND LINES,
A VIRGINIA CORPORATION; EAST COAST STAGES, INC.,
A VIRGINIA CORPORATION; AND ATLANTIC GREY-

HOUND CORPORATION, A VIRGINIA CORPORATION; FOR TRANSFER OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY NO. 1-A, NO. 130, NO. 132, NO. 160 AND NO. 177.

Pursuant to Notice No. 533 dated November 30th, 1936, there came on for hearing before the Commission, application of ATLANTIC GREYHOUND LINES, a Virginia Corporation; EAST COAST STAGES, INC., a Virginia Corporation; and ATLANTIC GREYHOUND CORPORATION, a Virginia Corporation, for the transfer of Certificates of Public Convenience and Necessity Nos. 1-A, 130, 132, and 160 of Atlantic Greyhound Lines, a Virginia Corporation, to the ATLANTIC GREYHOUND CORPORATION, a Virginia Corporation, and for the transfer of Certificate of Public Convenience and Necessity No. 177 of East Coast Stages, Inc., a Virginia Corporation, to the ATLANTIC GREYHOUND CORPORATION, a Virginia Corporation, and proper notice having been given of said application it is thereupon

CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida, that said application, jointly and severally, be and the same is hereby granted, and the permission of the Railroad Commission of the State of Florida to said transfer is hereby made known.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this the 14th day of December, A. D., 1936.

ORDER NO. 925,

DOCKET NO. 100-10.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: APPLICATION OF ST. JOHNS RIVER LINE COMPANY FOR EXTENSION OF CERTIFICATE NO. 80 TO OPERATE IN COMMON CARRIAGE OF FREIGHT OVER THE HIGHWAYS OF THE STATE FROM PALATKA TO SAN MATEO VIA EAST PALATKA, OVER STATE HIGHWAY NO. 3; FROM SAN MATEO TO BUNNELL OVER THE HIGHWAY NO. 28; FROM BUNNELL TO DAYTONA BEACH VIA ORMOND BEACH, HOI LYHILL AND KINGSTON OVER STATE HIGHWAY NO. 4 AND RETURN, SERVING INTERMEDIATE TERRITORY AND POINTS.

1. Pursuant to notice No. 530 dated November 2nd, 1936, this matter came on for formal hearing before the Railroad Com-

mission of the State of Florida at its hearing room in the Supreme Court Building, Tallahassee, Florida, on November 17, 1936, at ten o'clock, A. M. Then and there appeared the following:

Clifford T. Inglis, Esq., appeared for applicant.

Stanton Walker, Esq., appeared for Great Southern Trucking Company.

Robert H. Anderson, Esq., Harold B. Wahl, Esq., and B. M. Brunson, Esq., appeared for the receivers of the Florida East Coast Railway Company.

Robert R. Milam, Esq., appeared for Central Truck Lines.

W. J. Oven, Esq., and W. J. Oven, Jr., Esq., appeared for the receivers of the Seaboard Airline Railway Company.

George A. K. Sutton, Esq., and F. B. Langley, Esq., appeared for the Atlantic Coast Line Railway Company.

Leo P. Kitchen, Esq., and Dan R. Swartz, Esq., appeared for L. & L. Truck Lines and Aikens Transportation Company.

J. H. Hunter, Esq., appeared for Railway Express Agency.

2. The applicant St. Johns River Line Company is authorized to serve by motor truck operation Bunnell, Ormond Beach, Hollyhill, Kingston and Daytona Beach, two days a week. This authority was originally authorized by Certificate of Public Convenience and Necessity issued to Merchants Highway Express and transferred to St. Johns River Line Company by order No. 322 dated February 4, 1931 and recorded in Order Book "B", page 249 and later clarified and affirmed by Order No. 602 dated May 5, 1933. The applicant is also authorized to serve Daytona Beach in the common carriage of freight from DeLand Landing in daily service by virtue of a Certificate of Public Convenience and Necessity issued to Moores-Batsford and Sons Transfer Company, by order No. 107 dated February 6, 1930 and recorded in Order Book "A," page 213 and extended by Order No. 281, dated December 31, 1930 and recorded in Record Book "B," page 135.

The rights under this Certificate were transferred to St. Johns River Line Company by Order No. 616, dated October 14, 1933 and recorded in Order Book "D," page 373. The applicant also conducting a direct boat service from Jacksonville to Daytona

Beach at irregular intervals over the Florida East Coast Canal. On account of the size of the boats now being operated by St. Johns River Line Company which are not suitable to operate over the Florida East Coast Canal, the majority of the traffic to Daytona Beach has been handled by way of DeLand Landing.

3. It was the contention of the applicant at the hearing in this matter that prior to the time the Railroad Commission assumed jurisdiction of boat operation, that it served Daytona Beach out of Jacksonville with its boat line at such rates as it desired to fix. That after Commission assumed jurisdiction of the operation of boat lines and of truck lines and fixed and prescribed truck rates and water truck rates that it also permitted the Florida East Coast Railway to put in water competitive rates to these points and also allowed the truck lines now serving these points to meet these rates. That at this time there is a substantial parity in all rates, particularly the class rates on the first six classes are on absolute parity whether by the direct truck service of Great Southern Trucking Company, L. & L. Freight Lines, Inc., or by anyone of the three routes of the St. Johns River Line Company, by anyone of the three routes of Browns Motor Lines, Inc., and by the service of the Florida East Coast Railway. That the applicant, St. Johns River Line Company protested this parity in rates but no relief has been granted it by the Commission. That by its regular boat service from Jacksonville down the St. Johns River to DeLand Landing and thence by truck to Daytona, freight leaving Jacksonville on Monday night cannot be delivered at Daytona Beach until Wednesday morning. That by the direct truck service of the truck lines and by direct rail service, shipments leaving Jacksonville are transported to Daytona Beach for delivery over night. For these reasons and in order to be placed on an equality with these truck companies and with the railroad, applicant desires a daily service from Palatka to San Mateo via East Palatka over state Highway No. 3; from San Mateo to Bunnell over state Highway No. 28; from Bunnell to Daytona Beach via Ormond Beach, Hollyhill and Kingston over state Highway No. 4, and return, serving intermediate points. The only witness put on by the applicant was its vice-president and traffic manager and no attempt was made to prove public convenience and necessity for this service nor to show that the present service into Daytona Beach from Jacksonville was inadequate. Contention was also made by the protestants that the real purpose of the application was to obtain a route from Jacksonville via Daytona Beach to Tampa by truck. This was denied by the applicant.

4. Protestant truck lines, rail lines and railway express agency testified as to direct service between Jacksonville and

Daytona Beach and also between Jacksonville and Tampa and offered to put on any additional service that the Commission found that public convenience and necessity required.

5. Having carefully considered the records in this matter, the Commission is of the opinion that public convenience and necessity does not require the service sought and that the application should be denied.

Wherefore, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the application of St. Johns River Line Company to operate in common carriage by motor trucks in daily service from Palatka to San Mateo, thence to Bunnell, thence to Daytona Beach via Ormond Beach, Hollyhill and Kingston over state Highways Nos. 3, 28 and 4 and return over the same route, be and the same is hereby DENIED.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 16th day of December, 1936.

ORDER NO. 926,

DOCKET NOS. 100-10, 100-16, 100-17.

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF FLORIDA

IN RE: JOINT APPLICATION OF ST. JOHNS RIVER LINE COMPANY, EDWARDS LINE AND HARTLINE LINE FOR APPROVAL OF TRANSFER AND ASSIGNMENT OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY NOS. 72 AND 73 AND PART OF CERTIFICATE NO. 114.

1. Pursuant to notice No. 530 dated November 2nd, 1936, this matter came on for formal hearing before the Railroad Commission of the State of Florida at its hearing room in the Supreme Court Building, Tallahassee, Florida, on November the 18th, 1936, at ten o'clock, A. M. Then and there appeared the following:

Clifford T. Inglis, Esq., appeared for the applicants.

Stanton Walker, Esq., appeared for Great Southern Trucking Company and L. & L. Freight Lines.

Sydney Allen, Esq., and Stanton Walker, Esq., appeared for Central Truck Lines, Inc.

A. Pickens Coles, Esq., appeared for Tamiami Trail Tours, Inc.

George A. K. Sutton, Esq., and F. B. Langley, Esq., appeared for Atlantic Coast Line Railway Company.

B. E. Hunt appeared for Hunt Truck Lines.

J. R. Hunter, Esq., appeared for Railway Express Agency.

W. J. Oven, Esq., and W. J. Oven, Jr., Esq., and C. S. Cameron, Esq., appeared for receivers of the Seaboard Airline Railway Company.

John Hovarth, Esq., appeared for Star Truck Line.

2. The joint petition of St. Johns River Line Company and Harold R. Edwards individually and as sole heir and administrator of the estate of Mrs. R. H. Edwards, proprietor of Edwards Line and Hartline Line, in addition to seeking approval of the transfer and assignment of the Certificate rights of Edwards Line and Hartline Line, and the right to operate the schedules of said line from these lines to St. Johns River Line Company, also contains a prayer for the clarification of the certificate rights owned by Edwards Line and Hartline Line, and the notice of this hearing was sufficient to advise the interested parties that such action was sought.

3. St. Johns River Line Company is a certificated motor carrier operating under the jurisdiction of this Commission, owning, holding and operating certificate of Public Convenience and Necessity No. 60, as amended, issued by this Commission; Harold R. Edwards, individually and as sole heir and administrator of the Estate of Mrs. R. H. Edwards, is the proprietor of Edwards Line and Hartline Line (also known as Edwards Line, Hartline Truck Line and Hart Line), certificated motor carriers operating under certificates of Public Convenience and Necessity issued by this Commission.

4. It is shown by the record and the evidence herein that St. Johns River Line Company has entered into an agreement with Harold R. Edwards, in the capacities aforesaid, for the purchase of certain personal property and the certificates of Public Convenience and Necessity owned by Edwards Line and Hartline Line, and that the execution and performance of said contracts have been approved by the Probate Court of Hillsborough County, Florida, in which court the Estate of Mrs. R. H. Edwards, is being administered; that said contract has been duly and properly executed by the parties thereto and that the execution

thereof by the officers of St. Johns River Line Company has been properly ratified, approved and confirmed by the Board of Directors of said company.

5. The applicants have complied with the provisions of law and the rules of the Commission in respect to the form and content of their petition; and St. Johns River Line Company, subject to the approval of the transfer, has agreed to conform with and abide by the rules and regulations of the Commission in respect to said operation and to file the annual reports covering its operation in accordance with the rules of this Commission, and has assumed the liabilities outstanding against Edwards Line and Hartline Line imposed by law and the rules of this Commission; and requested authority to adopt all tariffs and supplements thereto, of Edwards Line and Hartline Line. St. Johns River Line Company has complied with the regulations of this Commission as to filing indemnity insurance and mileage tax reports.

6. The applicant, Harold R. Edwards, individually and as sole heir and administrator of the Estate of Mrs. R. H. Edwards, is the owner and holder of Certificates of Public Convenience and Necessity issued by this Commission described from the records of the Commission as follows:

a. Certificate of Public Convenience and Necessity No. 72, granted on August 8, 1928 by Order No. 74, which originally allowed the common carriage of freight

from Tampa to Seffner, Plant City, Lakeland, Winter Haven, Bartow, Mulberry, and intermediate and off-line points, Highways No. 17 and 2 and county roads, and return,

which said Certificate was transferred with the approval of this Commission given by Order No. 263, dated November 25, 1930, to Edwards Truck Line and restricted by Order No. 277, dated December 19, 1930.

b. Certificate of Public Convenience and Necessity No. 73, granted by Order No. 75, dated August 8, 1929, which originally allowed the common carriage of freight

from Tampa to Riverview, Parrish, Ellenton, Terra Ceia, Palmetto, Manatee, Ospray, Venice, and intermediate and off-line points, over Highway No. 5 Bay Shore Road and county roads, and return; also from Tampa to Sebring via Plant City, Lakeland, Auburndale, Winter Haven, Haines City, Dundee,

Lake Wales, Avon Park, and intermediate and off-line points, over Highways No. 17 and 8 and county roads, and return; also Tampa to Lake Wales via Mulberry and Bartow and intermediate and off-line points, over county roads, and return.

c. That portion of Certificate of Public Convenience and Necessity No. 114, formerly owned by Miles Line, authorizing the common carriage of freight

over what was known as Miles Line Route No. 1, running from Tampa to Winter Haven via Auburndale, and intermediate and off-line points, and return,

which portion of said Certificate was transferred from Miles Line to Edwards Line by authority of Order No. 307, dated April 16, 1931.

7. It further appears that Edwards Line and Hartline Line have abandoned the operation allowed under said Certificate rights over the route from Haines City to Lake Wales on State Highway No. 8 and that St. Johns River Line Company expressly abandons and withdraws that portion of its application asking leave to traverse State Highway No. 8 from Haines City to Lake Wales or to serve Lake Wales; it further appears that St. Johns River Line Company, as lessee, has not continued to conduct and maintain the operation from Sarasota to Venice via Osprey, Laurel and Nokomis, but has served its patrons along said road by interchanging with other carriers; that St. Johns River Line Company expressly abandons its application insofar as it requests approval of the transfer of operating rights from Sarasota to Venice via the points named under Certificate of Public Convenience and Necessity No. 73. With the abandonment of the application for approval of the Sarasota-Venice operation, protestant Tamiami Trail Tours, Inc., expressly withdraw all objections to the approval of the transfer requested by applicants and formally consented thereto by stipulation.

8. By reason of the variance between the description of the certificate rights of Edwards Line and Hartline Line as they appear in the records of the Commission and their actual operation, the Commission considers it necessary to alter, restrict and modify the terms and provisions of the original certificates of Public Convenience and Necessity here sought to be transferred and to clarify the same as requested in the petition of applicants and in accordance with the record and the evidence herein; wherefore, the Commission finds that Edwards Line and

Hartline Line are the owners and holders of valid Certificates of Public Convenience and Necessity issued by this Commission, which said certificates of Public Convenience and Necessity are clarified so as to authorize operations in the common carriage of freight by motor truck as follows:

From Tampa to Mango, Seffner, Dover, Plant City, Lakeland, Auburndale, Winter Haven and Eagle Lake, and return, over State Highways No. 23 and 17 and county roads, serving intermediate points,

said operation being authorized to be conducted daily, except Sunday:

From Tampa to Palmetto, Bradenton, Manatee, and Sarasota, over State Road No. 5, (or State Road No. 23 as an alternative route between Tampa and Palmetto), and county roads, and return, serving intermediate points in this territory and serving Wimauma, Myakka City, Verna, and Lorraine as off-line points.

said operation being authorized to be conducted daily except Sunday:

From Tampa to Sebring over State Highways No. 23, 79 and 8, and county roads, via Brandon, Valrico, Hopewell, Mulberry, Highlands, Bartow, Lake Garfield, Babson Park, Frostproof and Avon Park, and return, serving intermediate points.

said operation being authorized to be conducted daily, except Sunday.

9. The Commission has considered the effect of the approval of the transfer of the Certificate rights of Edwards Line and Hartline Line on the public interest, competition and transportation facilities generally within the territory affected, and finds that said transfer will not have an adverse effect upon such competition or transportation facilities, but would serve the public interest and public convenience and necessity.

10. It further appears that under a certain lease agreement entered into between the parties hereto, that St. Johns River Line Company has operated Edwards Line and Hartline Line since January 20, 1936, but did not apply to this Commission for approval of the transfer of the rights under the Certificates of

Edwards Line and Hartline Line until October 15, 1936. That while such lease agreement was subject to approval by this Commission and the parties incurred the risks and penalties incident to a denial by this Commission of the approval of the transfer, this Commission does not look with favor upon such method of procedure. The Commission recognizes certain mitigating circumstances connected with this proceeding and will not refuse its assent to the transfer.

WHEREFORE, it is CONSIDERED, ORDERED and ADJUDGED by the Railroad Commission of the State of Florida that the joint application of St. Johns River Line Company and Harold R. Edwards, in the capacities aforesaid, for approval of the transfer to St. Johns River Line Company of Edwards Line and Hartline Line certificates of Public Convenience and Necessity allowing the operations above described and clarified, be and the same is hereby approved.

It is further CONSIDERED, ORDERED AND ADJUDGED that Edwards Line and Hartline Line file their reports covering their operations up to January 20, 1936, and that St. Johns River Line Company file its report for the operations allowed under said Certificate rights from January 20, 1936, up to and including December 31, 1936, consolidated with its own report for the year 1936.

It is further ORDERED that the approval of this transfer shall be and become effective as of the twentieth day of January, 1936, and that St. Johns River Line Company be required to adopt the present tariffs, concurrences and schedules of Edwards Line and Hartline Line as of said date; provided that all mileage tax reports of Edwards Line and Hartline Line and St. Johns River Line Company shall have been made and all mileage taxes due the state shall have been paid and all annual reports shall have been made in accordance with law.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, State of Florida, this 16th day of December, A. D., 1936.

STATISTICS

Railroad Companies
Toll Bridge Companies
Express Companies
Sleeping Car Companies
Electric Railways
Boat Line Companies
Telegraph-Cable Companies
Telephone Companies

STATISTICS OF RAILROAD COMPANIES—CALENDAR YEAR 1935
GENERAL BALANCE SHEET—ENTIRE LINE

NAME OF ROAD	ASSETS										LIABILITIES								
	Investment in Road and Equipment	Improve- ments on Leased Property	Sinking Funds	Deposits In Lieu of Mort- gaged Property	Miscellaneous Physical Property	Investments in Affiliated Companies	Other Investments	Current Assets	Deferred Assets	Unadjusted Debits	Grand Total	Total Stock	Long-term Debt	Current Liabilities	Deferred Liabilities	Unadjusted Credits	Appropriated Surplus	Profit and Loss	Grand Total
Alabama, Florida & Gulf Railroad	\$ 146,778							\$ 3,111	\$ 958		\$ 150,847	\$ (1) 142,293		\$ 8,870		\$ 5,984		\$ 6,300	\$ 150,847
Alabama & Western Florida Railroad Company	152,912							3,720		200	156,832	153,200		26,241		15,642		38,305	156,832
Apalachicola Northern Railroad	2,883,164				13		65,000	65,335		2,766	3,016,278	1,000,000		4,370,042		57,664	54	2,411,428	3,016,278
Atlanta & St. Andrews Bay Railway Company	1,838,826				25,471	11,500	10,500	208,169	5,885	26,423	2,126,774	300,000	2,526,998	65,862	4,660		86,414	865,537	2,126,774
Atlantic Coast Line Railroad Company	267,883,742	439,864	21,919		356,078	78,523,443	4,408,486	14,836,932	1,541,615	235,572	368,249,651	87,376,389	151,727,930	5,420,695	3,683,375	36,927,016	4,634,372	78,479,874	368,249,651
Florida East Coast Railway Company	113,320,859	25,737		101,389	311,605	1,759,224	37,236	3,534,919	11,920,155	2,546,852	133,557,976	37,500,000	61,578,075	14,123,370	(a) 11,834,195	11,529,783	915,999	3,923,446	133,557,976
Georgia & Florida Railroad	20,307,706	96,215		5,628	166,486	160,636	4,952	213,725	4,811	1,037,963	21,998,122	13,382,441	7,736,000	5,394,829	(b) 4,039	724,836	11,720	5,255,743	21,998,122
Georgia Southern & Florida Railway Company	15,476,807	18,549			16,478	106,857		547,803	5,519	736,416	16,908,430	3,768,000	7,912,684	1,180,638	(c) 665,641	1,231,685	58,479	2,091,303	16,908,430
Jacksonville, Gainesville & Gulf Railway	403,901				1			52,366	919	260	457,447	5,000	559,585	146,000		6,950	32	260,120	457,447
Jacksonville Terminal Company	4,700,607				99,351			404,193	75	3,146	5,207,372	375,200	4,075,610	437,294	658	65,782	30,080	222,748	5,207,372
Live Oak, Perry & Gulf Railroad Company	1,307,844				161,513	2,739	1,500	29,366		3,453	1,506,415	600,000	320,000	17,822	(d) 7,041	1,035,808	385,553	859,809	1,506,415
Louisville & Nashville Railroad Company	439,090,127	2,424,638	2,121,355	76,259	2,591,788	27,882,666	13,911,742	31,240,487	7,702,688	2,526,247	529,567,997	117,012,117	229,637,805	10,267,460	(e) 5,325,573	83,210,752	3,542,760	80,571,530	529,567,997
Port St. Joe Dock & Terminal Railway Company	1,117,544				131,758		433	936		853	1,251,524	100,000		1,448,878				297,354	1,251,524
St. Johns River Terminal Company	2,141,897				2,566	3,124		115,122	455	15	2,263,179	100,000	1,918,642	50,375	(f) 3,007	76,029	55,602	59,524	2,263,179
St. Louis-San Francisco Railway Company	412,360,298			58,481	164,331	35,788,924	11,620,896	11,497,835	213,593	1,219,430	472,923,788	114,701,526	274,302,606	69,744,270	(g) 207,814	46,885,596	1,297,705	34,215,729	472,923,788
Seaboard Air Line Railway Company	241,519,429	1,000,308		73,060	3,511,059	29,103,981	2,535,337	12,601,010	491,643	1,119,257	291,955,084	85,110,662	151,860,361	77,980,653	(h) 1,056,325	26,738,965	857,920	51,649,802	291,955,084
Tampa Northern Railroad Company	2,492,345					11,434		570,196	4,923	29,883	3,108,781	750,000	2,973,959	288,455	143,058	93,978	45,136	1,185,805	3,108,781
Tampa Union Station Company	282,855							10,135	2	2,097	295,089	30,000	251,270	4,339		1,314		8,166	295,089
Tavares & Gulf Railroad Company	758,916				6,154	1,080		43,195	1,403	502	811,250	250,000	63,600	472,304		28,713	3,770	7,137	811,250
The Marianna & Blountstown Railroad Company	240,855					1,500		7,121		28,960	278,436	120,000		26,938		25,026	1,127	94,655	278,436
The South Georgia Railway Company	638,339				27,738	16,395	25,631	35,324	500	297	744,224	686,000		3,112		91,976	3,968	40,832	744,224
Trans Florida Central Railroad Company	97,761							790			98,551	120,163		2,027		2,703		26,342	98,551
TOTAL	\$1,529,163,512	\$ 4,005,311	\$ 2,143,274	\$ 314,817	\$ 7,572,390	\$ 173,375,503	\$ 32,621,714	\$ 76,021,790	\$ 21,895,144	\$ 9,520,592	\$1,856,634,047	\$ 463,582,991	\$ 897,645,125	\$ 191,480,474	\$ 22,935,386	\$ 208,842,616	\$ 11,852,654	\$ 60,294,801	\$1,856,634,047

Asterisk indicates debit item or deficit.

(1) Investment in Road by The Dothan National Bank, owner, operated under receivership.

(a) Includes \$34,170 grants in aid of construction.

(b) Includes \$2,374 grants in aid of construction.

(c) Includes \$100 grants in aid of construction.

(d) Includes \$53 grants in aid of construction.

(e) Includes \$40,350 grants in aid of construction.

(f) Includes \$464 grants in aid of construction.

(g) Includes \$3,476 grants in aid of construction.

(h) Includes \$13,889 grants in aid of construction.

STATISTICS OF RAILROAD COMPANIES—CALENDAR YEAR 1935
PROFIT AND LOSS ACCOUNT—ENTIRE LINE

NAME OF ROAD	Balance at beginning of year	Balance Transferred From Income	Miscellaneous and Other Credits	Appropriations of Surplus	Miscellaneous and Other Debits	Balance at Close of Year
Alabama, Florida and Gulf Railroad	\$ 7,103	\$ 234	\$ 569	\$	\$	\$ 6,300
Alabama & Western Florida Railroad Co.	*36,767	*1,538				*38,305
Apalachicola Northern Railroad	*2,411,600	1,315	92		1,235	*2,411,428
Atlanta & St. Andrews Bay Railway Company	*925,193	65,199	1		5,544	*865,537
Atlantic Coast Line Railroad Company	81,782,550	*2,559,298	90,198	493,505	340,071	78,479,874
Florida East Coast Railway Company	*611,705	*3,222,759	100,897	(1) *25,856	215,735	*3,923,446
Georgia & Florida Railroad	*4,588,702	*619,464	6,653	124	54,106	*5,255,743
Georgia Southern & Florida Railway Company	2,317,543	*203,316	40,359		63,283	2,091,303
Jacksonville, Gainesville & Gulf Railway	*215,131	*35,149	87		9,927	*260,120
Jacksonville Terminal Company	222,743	5				222,748
Live Oak, Perry & Gulf Railroad Company	*830,581	74,815		100,815	3,228	*859,809
Louisville & Nashville Railroad Company	80,679,818	4,110,404	85,734	2,984,724	1,319,702	80,571,530
Port St. Joe Dock & Terminal Railway Company	*292,764	*4,590				*297,354
St. Johns River Terminal Company	74,679	7,317	8,268		30,740	59,524
St. Louis—San Francisco Railway Company	*20,759,645	*10,485,733	33,647	36,409	2,967,589	*34,215,729
Seaboard Air Line Railway Company	*39,517,418	*7,609,365	26,090	69,015	4,480,094	*51,649,802
Tampa Northern Railroad Company	*1,189,349	3,544	423	423		*1,185,805
Tampa Union Station Company	6,966	1,200				8,166
Tavares & Gulf Railroad Company	15,744	*21,958	36		959	*7,137
The Marianna & Blountstown Railroad Company	*102,373	*9,782	17,500			*94,655
The South Georgia Railway Company	*8,514	9,168	56		1,542	*40,832
Trans Florida Central Railroad Company	*25,374	*968				*26,342
TOTAL	\$ 93,537,824	\$ 20,500,719	\$ 410,610	\$ 3,659,159	\$ 9,493,755	\$ 60,294,801

* Indicates debit item or deficit.

(a) Not applicable.

(1) Indicates credit item.

STATISTICS OF RAILROAD COMPANIES—CALENDAR YEAR 1935
OPERATING REVENUES—ENTIRE LINE

NAME OF ROAD	Freight	Passenger	Excess Baggage	Mall	Express	Switching	All Other	Total Revenue
Alabama, Florida & Gulf Railroad	\$ 10,582	\$ 9	\$	\$ 3,262	\$ 105	\$	\$ 49	\$ 14,007
Alabama & Western Florida Railroad Co.	17,627	126	.....	4,275	.....	210	178	22,416
Apalachicola Northern Railroad	110,490	6,870	25	18,198	4,040	.....	1,501	141,124
Atlanta & St. Andrews Bay Railway Company ..	485,493	3,877	130	14,848	5,548	3,965	1,536	515,397
Atlantic Coast Line Railroad Company	28,592,602	5,561,189	35,150	1,580,534	1,468,849	268,627	1,534,995	39,042,246
Florida East Coast Railway Company	4,794,371	1,905,753	16,328	304,763	292,625	22,100	393,089	7,729,029
Georgia & Florida Railroad	1,016,787	30,568	32	27,063	7,849	4,609	6,796	1,093,704
Georgia Southern & Florida Railway Company ..	1,407,616	314,687	572	130,669	35,195	3,153	46,105	1,937,997
Jacksonville, Gainesville & Gulf Railway	27,885	1	.....	.....	271	16,649	96	44,902
Jacksonville Terminal Company	(a)	.....	.....	.....	.....	.....	.....	.....
Live Oak, Perry & Gulf Railroad Company	212,297	2,695	1	8,466	1,567	301	2,207	227,534
Louisville & Nashville Railroad Company	63,931,182	5,772,546	29,267	1,987,407	1,636,793	771,725	1,565,811	75,694,731
Port St. Joe Dock & Terminal Railway Company ..	(a)	.....	.....	.....	.....	.....	.....	.....
St. Johns River Terminal Company .....	.....	.....	.....	.....	.....	309,798	4,591	314,389
St. Louis—San Francisco Railway Company	34,202,111	2,654,395	12,160	1,249,089	644,669	1,165,016	618,060	40,545,500
Seaboard Air Line Railway Company	26,657,911	3,656,270	19,466	940,837	1,237,077	288,271	1,144,979	33,944,811
Tampa Northern Railroad Company .....	.....	.....	.....	.....	.....	63,768	.....	63,768
Tampa Union Station Company	(a)	.....	.....	.....	.....	.....	.....	.....
Tavares & Gulf Railroad Company	67,457	17	.....	.....	577	250	188	68,479
The Marianna & Blountstown Railroad Company ..	44,976	.....	.....	3,037	729	25	67	48,834
The South Georgia Railroad Company	100,188	2,323	.....	12,986	584	859	1,168	118,108
Trans Florida Central Railroad Company	2,351	33	.....	1,240	.....	.....	21	3,645
TOTAL	\$161,681,926	\$ 19,911,359	\$ 113,431	\$ 6,286,674	\$ 5,336,478	\$ 2,919,306	\$ 5,321,447	\$201,570,621

(a) Not applicable.

STATISTICS OF RAILROAD COMPANIES—CALENDAR YEAR 1935
INCOME ACCOUNT—ENTIRE LINE

NAME OF ROAD	Railway Operating Revenues	Railway Operating Expenses	Net Revenue From Railway Operations	Railway Tax Accruals	Uncollectible Railway Revenues	Railway Operating Income	Net Rents	Net Railway Operating Income	Other Income	Total Income	Miscellaneous Deductions From Income	Income Avail- able For Fixed Charges	Fixed Charges	Contingent Charges	Net Income	Income Applied to Funds and Appropriated for Other Purposes	Income Bal- ance Trans- ferred to Profit and Loss
Alamama, Florida & Gulf Railroad	\$ 14,007	\$ 10,930	\$ 3,077	\$ 839	\$ 2,238	\$ 345	\$ 1,893	\$ 1,893	\$ 1,893	\$ 1,893	\$ 1,659	\$ 234	\$ 234	\$ 234	\$ 234	\$ 234	\$ 234
Alabama & Western Florida Railroad Co.	22,416	23,767	*1,351	1,989	*3,340	1,802	*1,538	*1,538	*1,538	*1,538		*1,538			*1,538		*1,538
Apalachicola Northern Railroad	141,124	125,028	16,096	7,572	13	8,511	*7,170	1,341	1,341	1,341	14	1,327	12		1,315		1,315
Atlanta & St. Andrews Bay Railway Company	515,397	275,243	240,154	32,831	3	207,320	*30,313	177,007	3,067	180,074	125	179,949	114,750		65,199		65,199
Atlantic Coast Line Railroad Company	39,042,246	32,063,675	6,978,571	3,630,000	9,364	3,339,207	*760,444	2,578,763	2,444,993	5,023,756	964,224	4,059,532	6,583,583	5,404	*2,529,455	29,843	*2,559,298
Florida East Coast Railway Company	7,729,029	6,694,208	1,034,821	805,363	763	228,695	*451,288	*222,593	84,761	*137,832	41,094	*178,926	3,043,833		*3,222,759		*3,222,759
Georgia & Florida Railroad	1,093,704	1,000,364	93,340	56,809	174	36,357	*15,680	20,677	16,017	36,694	4,378	32,316	651,780		*619,464		*619,464
Georgia Southern & Florida Railway Company	1,937,997	1,685,095	252,902	138,612	339	113,951	*9,437	104,514	8,523	113,037	2,330	110,707	314,023		*203,316		*203,316
Jacksonville, Gainesville & Gulf Railway	44,902	43,482	1,420	3,956	2	*2,538	*1,792	*4,330	904	*3,426		*3,426	31,723		*35,149		*35,149
Jacksonville Terminal Company				61,035		*61,035	258,559	197,524	29,036	226,560	4,505	222,055	222,050		5		5
Live Oak, Perry & Gulf Railroad Company	227,534	121,564	105,970	9,370	99	96,501	*2,268	94,233	510	94,743	530	94,213	19,398		74,815		74,815
Louisville & Nashville Railroad Company	75,694,731	57,795,870	17,898,861	4,311,108	15,412	13,572,341	389,618	13,961,959	825,123	14,787,082	343,054	14,444,028	10,315,085		4,128,943	18,539	4,110,404
Port St. Joe Dock & Terminal Railway Company		39	*39	28		*67		*67	163	96	181	*85	4,505		*4,590		*4,590
St. Johns River Terminal Company	314,389	230,974	83,415	39,264	81	44,070	*14,146	29,924	63,474	93,398		93,398	86,081		7,317		7,317
St. Louis—San Francisco Railway Company	40,545,500	35,680,051	4,865,449	2,764,068	6,008	2,113,373	*67,859	2,045,514	576,573	2,622,087	57,847	2,564,240	13,049,973		*10,485,733		*10,485,733
Seaboard Air Line Railway Company	33,944,811	29,394,023	4,550,788	2,218,222	14,693	2,317,873	*815,930	1,501,943	323,763	1,825,706	44,629	1,781,077	9,390,442		*7,609,365		*7,609,365
Tampa Northern Railroad Company	63,768	29,335	34,433	38,693		*4,260	*234	*4,494	105,339	100,845	852	99,993	96,449		3,544		3,544
Tampa Union Station Company				8,060		*8,060	19,865	11,805	2,340	14,145	150	13,995	12,795		1,200		1,200
Tavares & Gulf Railroad Company				7,031		5,115	*2,548	2,567	559	3,126	231	2,895	24,853		*21,958		*21,958
The Marianna & Blountstown Railroad Company	68,479	56,333	12,146	2,349		9,256	*324	8,932	294	9,226		9,226	19,008		*9,782		*9,782
The South Georgia Railway Company	48,834	37,229	11,605	12,833		31,919	*5,882	26,037	756	26,793		26,793	12,755		14,038	4,870	9,168
Trans Florida Central Railroad Company	118,108	73,356	44,752	950		*1,510	542	*968		*968		*968			*968		*968
TOTAL	\$201,570,621	\$165,344,771	\$36,225,850	\$14,132,982	\$ 46,951	\$22,045,917	\$*1,515,274	\$20,530,643	\$ 4,486,195	\$25,016,838	\$ 1,465,803	\$23,551,035	\$43,993,098	\$ 5,404	\$20,447,467	\$ 53,252	\$20,500,719

*Indicates debit item or deficit.

STATISTICS OF RAILROAD COMPANIES—CALENDAR YEAR 1935
OPERATING EXPENSES—ENTIRE LINE

NAME OF ROAD	Maintenance of Way and Structures	Maintenance of Equipment	Traffic Expenses	Transportation Expenses	Miscellaneous Operations	General Expenses	Transportation for Investment Credit	Total Operating Expenses
Alabama, Florida & Gulf Railroad	\$ 3,537	\$ 2,253	\$ 879	\$ 3,384	\$	\$ 877	\$	\$ 10,930
Alabama & Western Florida Railroad Co.	4,148	3,054	510	10,299		5,756		23,767
Apalachicola Northern Railroad	43,145	17,044	6,276	42,222		16,341		125,028
Atlanta & St. Andrews Bay Railway Company ..	71,558	35,564	29,168	110,693		28,281	21	275,243
Atlantic Coast Line Railroad Company	4,677,569	8,233,650	1,433,723	15,751,475	587,129	1,614,162	34,633	32,063,675
Florida East Coast Railway Company	1,430,914	1,676,884	255,328	2,733,526	128,367	489,106	19,917	6,694,208
Georgia & Florida Railroad	251,356	200,499	93,867	398,557		56,479	394	1,000,364
Georgia Southern & Florida Railway Company ..	350,475	397,947	20,744	858,394	26,988	30,553	6	1,685,095
Jacksonville, Gainesville & Gulf Railway	11,733	8,421	664	18,899		3,765		43,482
Jacksonville Terminal Company	(a)							
Live Oak, Perry & Gulf Railroad Company	53,750	17,674	4,292	38,818		7,030		121,564
Louisville & Nashville Railroad Company	8,238,957	17,214,874	2,021,425	26,660,846	458,988	3,223,335	22,555	57,795,870
Port St. Joe Dock & Terminal Railway Company ..						39		39
St. Johns River Terminal Company	38,696	23,471		164,370		4,437		230,974
St. Louis—San Francisco Railway Company	7,311,787	10,130,761	1,222,217	15,373,965	259,324	1,517,375	135,378	35,680,051
Seaboard Air Line Railway Company	5,464,243	7,380,839	1,720,760	13,060,406	467,717	1,358,370	58,312	29,394,023
Tampa Northern Railroad Company	7,117	139	865	18,889		2,325		29,335
Tampa Union Station Company	(a)							
Tavares & Gulf Railroad Company	14,215	7,704	1,953	27,349		5,112		56,333
The Marianna & Blountstown Railroad Company ..	11,417	7,923	2,165	11,167		4,557		37,229
The South Georgia Railway Company	28,112	9,949	2,957	25,997		6,341		73,356
Trans Florida Central Railroad Company	2,144	37		882		1,142		4,205
TOTAL	\$ 28,014,873	\$ 45,368,687	\$ 6,817,793	\$ 75,310,138	\$ 1,728,513	\$ 8,375,383	\$ 270,616	\$165,344,771

(a) Not applicable.

STATISTICS OF RAILROAD COMPANIES—CALENDAR YEAR 1935
MILEAGE OPERATED—ENTIRE LINE

NAME OF ROAD	Miles of Road	Second Main Track	Miles of Industrial Tracks	Miles of Yard Tracks and Sidings	Total
Alabama, Florida & Gulf Railroad	29.00	.....	.....	1.10	30.10
Alabama & Western Florida Railroad Co.	38.00	.....	.....	3.92	41.92
Apalachicola Northern Railroad	99.12	.....	.....	9.02	108.14
Atlanta & St. Andrews Bay Railway Co.	82.00	.....	4.62	10.64	97.26
Atlantic Coast Line Railroad Company	5,145.70	690.51	132.79	1,390.06	7,359.06
Florida East Coast Railway Company	712.14	327.51	29.03	404.60	1,473.28
Georgia & Florida Railroad	408.53	.....	21.56	45.32	475.41
Georgia Southern & Florida Railway Co.	397.95	8.84	28.51	125.63	560.93
Jacksonville, Gainesville & Gulf Railway	38.25	.....	2.05	4.87	45.17
Jacksonville Terminal Company	5.31	(1) 5.03	.....	41.20	51.54
Live Oak, Perry & Gulf Railroad Company ..	77.00	.....	.....	8.90	85.90
Louisville & Nashville Railroad Company ..	5,009.27	(2) 563.33	592.23	2,232.53	8,397.36
Port St. Joe Dock & Terminal Railway Co. ....	.70	.....	.....	.60	1.30
St. Johns River Terminal Company	14.80	2.46	.....	36.56	53.82
St. Louis—San Francisco Railway Company ..	4,928.35	140.38	635.50	1,189.30	6,893.53
Seaboard Air Line Railway Company	4,307.99	63.60	289.91	1,154.82	5,816.32
Tampa Northern Railroad Company	2.72	.....	.....	3.69	6.41
Tampa Union Station Company	(a) .....	.....	.....	.....	.....
Tavares & Gulf Railroad Company	37.71	.....	1.24	3.98	42.93
The Marianna & Blountstown Railroad Co. ..	42.09	.....	.....	2.75	44.84
The South Georgia Railway Company	77.48	.....	.....	11.62	89.10
Trans Florida Central Railroad Company	10.79	.....	.....	2.01	12.80
TOTAL	21,464.90	1,801.66	1,737.44	6,683.12	31,687.12

(a) Tracks operated jointly by railroads entering Tampa.

(1) Includes 1.31 miles of third and 1.68 miles of fourth main track.

(2) Includes .99 miles of third and 1.06 miles of fourth main track.

STATISTICS OF RAILROAD COMPANIES—CALENDAR YEAR 1935
RAIL-LINE OPERATIONS—ENTIRE LINE

NAME OF ROAD	Total Revenue Passengers Carried	Average Miles Passengers Carried	Average Revenue per Passenger Carried	Total Tons Revenue Freight Hauled	Average Miles per Ton Hauled	Average Revenue per Ton Hauled
Alabama, Florida & Gulf Railroad	16	14.50	\$.56875	6,098	25.95	\$ 1.73540
Alabama & Western Florida Railroad Co.	465	13.08	.27034	62,761	24.01	.28086
Apalachicola Northern Railroad	6,505	44.30	1.05984	73,928	52.53	1.49455
Atlanta & St. Andrews Bay Railway Co.	6,962	24.57	.55688	619,964	61.79	.78310
Atlantic Coast Line Railroad Company	2,182,397	137.85	2.54820	11,706,197	156.46	2.44252
Florida East Coast Railway Company	435,823	221.78	4.37277	1,157,227	237.12	4.14298
Georgia & Florida Railroad	77,158	27.72	.39617	708,384	104.35	1.43536
Georgia Southern & Florida Railway Co.	154,594	115.58	2.03557	880,673	140.55	1.59834
Jacksonville, Gainesville & Gulf Railway	3	13.67	.33333	22,519	29.61	1.23829
Jacksonville Terminal Company	(a)					
Live Oak, Perry & Gulf Railroad Company ..	9,454	19.01	.28511	216,848	41.00	.97901
Louisville & Nashville Railroad Company	4,028,974	86.59	1.43276	35,830,970	226.35	1.78424
Port St. Joe Dock & Terminal Railway Co.	(a)					
St. Johns River Terminal Company	(a)					
St. Johns River Terminal Company	1,046,895	131.50	2.53549	13,620,655	234.64	2.51105
Seaboard Air Line Railway Company	1,528,774	130.11	2.39163	11,091,808	190.01	2.40339
Tampa Northern Railroad Company	(a)					
Tampa Union Station Company	(a)					
Tavares & Gulf Railroad Company	63	15.57	.26984	38,822	27.89	1.73760
The Marianna & Blountstown Railroad Co.				59,459	13.13	.75642
The South Georgia Railway Company	7,530	15.01	.30855	95,601	33.00	1.04798
Trans Florida Central Railroad Company	132	10.79	.24743	2,938	10.79	.70025

(a) Not applicable.

STATISTICS OF RAILROAD COMPANIES—CALENDAR YEAR 1935
INVESTMENT IN ROAD AND EQUIPMENT—STATE OF FLORIDA

NAME OF ROAD	Miles of Road Owned Florida	Investment in Road	Investment in Equipment	Other Investments	Total Investment
Alabama, Florida & Gulf Railroad	9.91	\$ 44,291	\$ 3,739	\$ 131	\$ 48,161
Alabama & Western Florida Railroad Co.	19.25	129,527	17,162	6,223	152,912
Apalachicola Northern Railroad	98.68	2,777,616	105,548		2,883,164
Atlanta & St. Andrews Bay Railway Co.	66.00	1,390,964	165,149		1,556,113
Atlantic Coast Line Railroad Company	1,896.10	74,578,436	20,303,961	93,133	94,975,530
Florida East Coast Railway Company	804.24	97,367,960	15,058,790	919,846	113,346,596
Georgia & Florida Railroad	12.71	168,089	51,261	*178	219,172
Georgia Southern & Florida Railway Co.	152.90	4,167,602	1,423,017	1,363	5,591,982
Jacksonville, Gainesville & Gulf Railway	38.25	383,036	16,066	4,799	403,901
Jacksonville Terminal Company	10.34	4,282,541	235,787	182,279	4,700,607
Live Oak, Perry & Gulf Railroad Co.	76.00	1,244,232	63,612		1,307,844
Louisville & Nashville Railroad Co.	241.79	7,644,246	2,661,439	7,576	10,313,261
Port St. Joe Dock & Terminal Railway Co.	1.30	1,117,544			1,117,544
St. Johns River Terminal Company	15.86	2,081,140	53,144	7,613	2,141,897
St. Louis—San Francisco Railway Co.	47.53	2,883,405	595,446	14,596	3,493,447
Seaboard Air Line Railway Company	907.79	50,122,674	12,625,353	164,884	62,912,911
Tampa Northern Railroad Company	49.47	2,369,889		122,456	2,492,345
Tampa Union Station Company	1.72	265,254		17,601	282,855
Tavares & Gulf Railroad Company	34.32	675,331	45,255	38,330	758,916
The Marianna & Blountstown Railroad Co.	42.09	215,184	23,870	1,801	240,855
The South Georgia Railway Company	40.49	288,920	31,763	2,905	323,588
Trans Florida Central Railroad Company	16.04	90,534	3,467	3,760	97,761
TOTAL	4,582.78	\$254,288,415	\$ 53,483,829	\$ 1,589,118	\$309,361,362

* Indicates debit item or deficit.

STATISTICS OF RAILROAD COMPANIES—CALENDAR YEAR 1935
OPERATING REVENUES—STATE OF FLORIDA

NAME OF ROAD	Freight	Passenger	Excess Baggage	Mail	Express	Switching	All Other	Total Revenue
Alabama, Florida & Gulf Railroad	\$ 2,771	\$ 2		\$ 1,116	\$ 36		\$ 47	\$ 3,972
Alabama & Western Florida Railroad Co.	17,627	126		4,275		210	178	22,416
Apalachicola Northern Railroad	110,490	6,870	25	18,198	4,040		1,501	141,124
Atlanta & St. Andrews Bay Railway Company	440,845	3,152	130	11,951	4,966	2,811	1,356	465,211
Atlantic Coast Line Railroad Company	7,012,026	1,058,316	6,139	389,111	610,679	66,222	778,385	9,920,878
Florida East Coast Railway Company	4,794,371	1,905,753	16,328	304,763	292,625	22,100	393,089	7,729,029
Georgia & Florida Railroad	10,138	617		363	119	99	94	11,430
Georgia Southern & Florida Railway Co.	191,028	48,453	84	23,690	5,579	70	9,049	277,953
Jacksonville, Gainesville & Gulf Railway	27,885	1			271	16,649	96	44,902
Jacksonville Terminal Company	(a)							
Live Oak, Perry & Gulf Railroad Company	212,297	2,695	1	8,466	1,567	301	2,207	227,531
Louisville & Nashville Railroad Company	948,371	169,538	888	51,622	48,403	19,819	184,395	1,423,036
Port St. Joe Dock & Terminal Railway Co.	(a)							
St. Johns River Terminal Company						309,798	4,591	314,389
St. Louis—San Francisco Railway Company	92,000	5,966	77	9,463	4,893	22,264	19,929	154,592
Seaboard Air Line Railway Company	7,166,471	1,147,645	7,580	256,606	481,718	100,105	681,237	9,841,362
Tampa Northern Railroad Company						63,768		63,768
Tampa Union Station Company	(a)							
Tavares & Gulf Railroad Company	67,457	17			577	230	198	68,479
The Marianna & Blountstown Railroad Co.	44,976			3,037	729	25	67	48,834
The South Georgia Railway Company	52,613	946		6,944	316	766	746	62,331
Trans Florida Central Railroad Company	2,351	33		1,240			21	3,645
TOTAL	\$ 21,193,717	\$ 4,350,130	\$ 31,252	\$ 1,090,845	\$ 1,456,518	\$ 625,237	\$ 2,077,186	\$ 30,824,885

(a) Not applicable.

STATISTICS OF RAILROAD COMPANIES—CALENDAR YEAR 1935
OPERATING EXPENSES—STATE OF FLORIDA

NAME OF ROAD	Mainten- ance of Way and Structures	Mainten- ance of Equipment	Traffic Expenses	Transporta- tion Expenses	Miscellan- eous Operations	General Expenses	Transporta- tion for Investment Credit	Total Operating Expenses
Alabama, Florida & Gulf Railroad	\$ 1,210	\$ 771	\$ 300	\$ 1,157	\$	\$ 300	\$	\$ 3,738
Alabama & Western Florida Railroad Co.	4,148	3,054	510	10,299	.....	5,756	.....	23,767
Apalachicola Northern Railroad	43,145	17,044	6,276	42,222	.....	16,341	.....	125,028
Atlanta & St. Andrews Bay Railway Company ..	57,246	28,451	23,334	88,554	.....	22,625	17	220,193
Atlantic Coast Line Railroad Company	1,172,472	2,076,994	362,717	3,961,188	91,966	409,059	8,823	8,065,573
Florida East Coast Railway Company	1,430,914	1,676,884	255,328	2,733,526	128,367	489,106	19,917	6,694,208
Georgia & Florida Railroad	5,219	2,870	628	9,051	.....	1,030	6	18,792
Georgia Southern & Florida Railway Co.	95,725	58,063	3,855	206,892	4,172	7,890	.....	376,597
Jacksonville, Gainesville & Gulf Railway	11,733	8,421	664	18,899	.....	3,765	.....	43,482
Jacksonville Terminal Company	(a) .....	.....	.....	.....	.....	.....	.....	.....
Live Oak, Perry & Gulf Railroad Company	53,750	17,674	4,292	38,818	.....	7,030	.....	121,564
Louisville & Nashville Railroad Company	268,549	394,964	44,411	804,983	24,730	92,238	833	1,629,042
Port St. Joe Dock & Terminal Railway Co. ....	.....	.....	.....	.....	.....	39	.....	39
St. Johns River Terminal Company	38,696	23,471	.....	164,370	.....	4,437	.....	230,974
St. Louis—San Francisco Railway Co.	63,637	58,630	7,488	125,672	21	11,427	1,022	265,853
Seaboard Air Line Railway Company	1,584,203	2,139,866	498,887	3,786,502	135,601	393,821	16,906	8,521,974
Tampa Northern Railroad Company	7,117	139	865	18,889	.....	2,325	.....	29,335
Tampa Union Station Company	(a) .....	.....	.....	.....	.....	.....	.....	.....
Tavares & Gulf Railroad Company	14,215	7,704	1,953	27,349	.....	5,112	.....	56,333
The Marianna & Blountstown Railroad Company ..	11,417	7,923	2,165	11,167	.....	4,557	.....	37,229
The South Georgia Railway Company	5,598	1,923	581	4,883	.....	1,225	.....	14,210
Trans Florida Central Railroad Company	2,144	37	.....	882	.....	1,142	.....	4,205
TOTAL	\$ 4,871,138	\$ 6,524,883	\$ 1,214,254	\$ 12,055,303	\$ 384,857	\$ 1,479,225	\$ 47,524	\$ 26,482,136

(a) Not applicable.

STATISTICS OF RAILROAD COMPANIES—CALENDAR YEAR 1935
MILEAGE OPERATED (Exclusive of Yard Tracks)—STATE OF FLORIDA

NAME OF ROAD	Line Owned Main Line	Line Owned Branches and Spurs	Lines of Proprietary Companies	Lines Operated under Lease	Lines Operated under Contract	Lines Operated under Trackage Rights	Total Mileage Operated	New Line Constructed During Year
Alabama, Florida & Gulf Railroad	9.91						9.91	
Alabama & Western Florida Railroad Co.	19.25			18.75			38.00	
Apalachicola Northern Railroad	95.62	3.06				.44	99.12	
Atlanta & St. Andrews Bay Railway Company	66.00						66.00	
Atlantic Coast Line Railroad Company	1,081.18	802.79	161.73	14.75		9.85	2,070.30	
Florida East Coast Railway Company	453.22	253.02			5.11	.79	712.14	
Georgia & Florida Railroad	12.71						12.71	
Georgia Southern & Florida Railway Company	152.90					5.37	158.27	
Jacksonville, Gainesville & Gulf Railway	38.25						38.25	
Jacksonville Terminal Company	(1) 6.15					11.52	17.67	
Live Oak, Perry & Gulf Railroad Company	64.00	12.00				1.00	77.00	
Louisville & Nashville Railroad Company	216.45	25.34				.98	242.77	
Port St. Joe Dock & Terminal Railway Company	.70	.60					1.30	
St. Johns River Terminal Company	(1) 15.86					15.63	31.49	
St. Louis—San Francisco Railway Company	45.19	2.34					47.53	
Seaboard Air Line Railway Company	877.33	27.76	140.30	625.46		6.52	1,677.37	
Tampa Northern Railroad Company	2.72						2.72	
Tampa Union Station Company	(2)							
Tavares & Gulf Railroad Company	34.32					3.39	37.71	
The Marianna & Blountstown Railroad Co.	42.09						42.09	
The South Georgia Railway Company	40.49						40.49	
Trans Florida Central Railroad Company	10.68					.11	10.79	
TOTAL	3,285.02	1,126.91	302.03	658.96	5.11	55.60	5,433.63	

(1) Main track owned only.

(2) Tracks operated jointly by railroads entering Tampa.

STATISTICS OF RAILROAD COMPANIES—CALENDAR YEAR 1935
TONS OF REVENUE FREIGHT CARRIED—STATE OF FLORIDA

NAME OF ROAD	Products of Agriculture	Animals and Products	Products of Mines	Products of Forests	Manufacture and Miscellaneous	Merchandise All L. C. L. Freight	Grand Total
Alabama, Florida & Gulf Railroad	4,084	20	732		626	191	5,653
Alabama & Western Florida Railroad Co.				62,666	68	27	62,761
Apalachicola Northern Railroad	627	2,590	17,483	31,517	19,184	2,527	73,928
Atlanta & St. Andrews Bay Railway Co.	24,009	142	97,467	375,067	126,717	3,605	627,007
Atlantic Coast Line Railroad Company	594,501	57,720	3,191,143	713,294	1,056,168	91,203	5,704,029
Florida East Coast Railway Company	219,833	34,136	162,330	233,624	468,481	38,823	1,157,227
Georgia & Florida Railroad	1,706	567	8,742	7,005	13,458	1,634	33,112
Georgia Southern & Florida Railway Co.	48,025	14,385	66,528	71,305	130,112	17,176	347,531
Jacksonville, Gainesville & Gulf Railway	3,125	110	14,256	2,743	1,997	288	22,519
Jacksonville Terminal Company	(a)						
Live Oak, Perry & Gulf Railroad Co.	3,860	39	37,870	159,794	13,137	2,148	216,848
Louisville & Nashville Railroad Company	39,721	9,469	118,117	489,022	264,353	27,542	948,224
Port St. Joe Dock & Terminal Railway Co.	(a)						
St. Johns River Terminal Company	(a)						
St. Louis—San Francisco Railway Company	19,851	2,087	37,684	72,712	60,703	3,341	196,378
Seaboard Air Line Railway Company	390,332	53,684	2,817,382	541,178	750,854	86,033	4,639,463
Tampa Northern Railroad Company	(a)						
Tampa Union Station Company	(a)						
Tavares & Gulf Railroad Company	24,532		1,627	3,238	9,019	406	38,822
The Marianna & Blountstown Railroad Co. ...	66	123	760	54,502	3,146	862	59,459
The South Georgia Railway Company	1,408	13	2,822	54,852	4,649	534	64,278
Trans Florida Central Railroad Company			293	205	2,250	190	2,938
TOTAL	1,375,680	175,085	6,575,236	2,872,724	2,924,922	276,530	14,200,177

(a) Not applicable.

WRECKS AND ACCIDENTS—RAILROAD—1936.

CLASSIFICATION OF WRECKS AND ACCIDENTS	Apalachicola Northern Railroad Co.	Atlanta and St. Andrews Bay Ry.	Atlantic Coast Line Railroad	Florida East Coast Railway	Louisville & Nashville Railroad Co.	Seaboard Air Line Railway	Total
I. COLLISIONS :							
1. Negligence or carelessness of employees				1		2	3
2. Weather conditions							
3. Mechanical equipment, signals, etc.							
II. DERAILMENTS :							
1. Negligence or carelessness of employees			2	1		2	5
2. Washouts, etc.							
3. Track defects	1	1	1	2		2	7
4. Way and structure defects							
5. Car equipment defects				4		6	10
6. Engine equipment defects					1	1	2
7. Not otherwise classified				2		7	9
III. EXPLOSIONS :							
1. Negligence or carelessness of employees							
2. Defective equipment							
IV. MISCELLANEOUS :							
1. Improper loading							
2. Animal on track							
3. Other obstruction on track							
4. Criminal intent, tampered switches, etc.							

WRECKS AND ACCIDENTS—RAILROAD—1936—(Continued).

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FORTIETH ANNUAL REPORT

CLASSIFICATION OF WRECKS AND ACCIDENTS	Apalachicola Northern Railroad Co.	Atlanta and St. Andrews Bay Ry.	Atlantic Coast Line Railroad	Florida East Coast Railway	Louisville & Nashville Railroad Co.	Seaboard Air Line Railway	Total
V. PERSONAL ACCIDENTS:							
1. Employees on duty			1	1			2
2. Employees off duty							
3. Passengers							
4. Trespassers							
a. Walking on track, crossing track			5	5		5	15
b. At public crossing			3				3
c. Beating way on train			3	2	1		6
d. Suicide			1			1	2
e. Other causes			4	9	2	3	18
VI. GRADE CROSSINGS:							
1. Automobile accidents			22	53		10	85
2. Other vehicle accidents			1				1
CASUALTIES:							
Employees killed			1	2			3
Employees wounded	2		3		1		6
Others killed			23	11	3	21	59
Others wounded	4		30	31		7	72
DAMAGE:							
Track	\$ 8,000.00	\$ 150.00	\$ 1,273.00	\$ 2,041.01	\$ 29.97	\$ 5,029.37	\$16,523.35
Equipment	2,000.00	100.00	18,835.50	4,132.88	6.00	7,208.00	32,282.38

STATISTICS OF BRIDGE COMPANIES
GENERAL BALANCE SHEET AT DECEMBER 31, 1935

ASSETS	Gandy Bridge Company	Pensacola Bridge Corporation
Investment in road and equipment	\$3,642,339.58	\$2,451,393.43
Sinking funds	73,462.67	
Miscellaneous physical property	163,260.09	628,737.61
Other investments		60,450.99
Current assets	263,162.84	15,328.32
Rents and insurance premiums paid in advance	5,551.45	9,561.71
Discount on funded debt	64,145.53	11,627.00
Other unadjusted debits	1,534,045.95	8,502.36
GRAND TOTAL	\$5,745,968.11	\$3,185,601.42
LIABILITIES		
Capital Stock	\$2,584,737.50	\$ 600,600.00
Funded debt	1,735,000.00	2,747,500.00
Current liabilities	117,130.56	5,265.46
Unadjusted credits	798,522.67	359,385.42
Appropriated surplus	199,586.32	
Profit and loss	310,991.06	*527,149.46
GRAND TOTAL	\$5,745,968.11	\$3,185,601.42

* Indicates debit item or deficit.

STATISTICS OF BRIDGE COMPANIES
PROFIT AND LOSS ACCOUNT—CALENDAR YEAR 1935

ITEMS	Gandy Bridge Company	Pensacola Bridge Corporation
Balance at beginning of year	\$ 222,320.06	*\$431,853.39
Balance transferred from income	86,329.93	*94,051.87
Miscellaneous credits	28,825.39	
Surplus applied to sinking and other reserved funds ..	12,158.33	
Debits from retired road and equipment	4,337.99	1,244.20
Miscellaneous debits	9,988.00	
PROFIT AND LOSS BALANCE	\$ 310,991.06	*\$527,149.46

* Indicates debit item or deficit.

STATISTICS OF BRIDGE COMPANIES
INCOME ACCOUNT—CALENDAR YEAR 1935

NAME OF ACCOUNTS	Gandy Bridge Company	Pensacola Bridge Corporation
Operating revenues—tolls	\$ 340,694.20	\$ 55,835.60
Operating expenses	107,977.42	95,241.27
Net revenue from bridge operation	\$ 232,716.78	*\$39,405.67
Bridge tax accruals	23,726.46	4,121.67
Bridge operating income	\$ 208,990.32	*\$43,527.34
Other income	425.00	29,616.99
Total income	\$ 209,415.32	*\$18,910.35
Miscellaneous deductions from income	4,618.05	79,157.02
Income available for fixed charges	\$ 204,797.27	*\$93,067.37
Fixed charges	118,467.34	984.50
Income after fixed charges	\$ 86,329.93	*\$94,051.87
Income balance transferred to profit and loss	\$ 86,329.93	*\$94,051.87

* Indicates debit item or deficit.

STATISTICS OF EXPRESS COMPANIES—CALENDAR YEAR 1935
GENERAL BALANCE SHEET—ENTIRE LINE

ASSETS	Railway Express Agency, Incorporated	Southeastern Express Company
Real property and equipment	\$47,927,527.77	\$ 1,184,681.52
Investments in affiliated companies—stocks	28,500.00	25,000.00
Other investments:		
Stocks	300.00	
Bonds	395,895.81	
Notes	12,009.82	5,378.05
Cash	19,985,895.72	951,404.93
Special deposits	647.50	
Loans and notes receivable	2,575.00	
Traffic balances receivable	73,096.93	
Net balances receivable from agents and messengers	4,059,411.40	96,352.14
Miscellaneous accounts receivable	691,370.47	72,371.51
Materials and supplies	431,674.22	3,975.13
Interest, dividends and rents receivable	3,396.74	
Working fund advances	14,010.00	
Other current assets	71,648.19	
Other deferred assets		9,780.56
Rents and insurance premiums paid in advance ..	75,080.53	930.24
Taxes paid in advance	235,635.95	
Discount on funded debt	343,466.84	
Other unadjusted debits	164,129.49	3,433.91
GRAND TOTAL	\$74,516,272.38	\$ 2,353,307.99
LIABILITIES		
Capital stock	\$ 100,000.00	\$ 1,000,000.00
Long-term debt	31,611,221.98	
Traffic balances payable	88,020.05	8,489.61
Audited accounts and wages unpaid	4,022,945.85	228,182.56
Miscellaneous accounts payable	1,711,110.47	
Matured interest, dividends and rents unpaid ..	3,639.19	30,000.00
Matured funded debt unpaid	7,000.00	
Miscellaneous advances payable	4,655.00	
Unpaid money orders, checks and drafts	1,188,860.67	226,082.88
Express privilege liabilities	5,877,763.56	68,189.43
Estimated tax liability	269,366.70	13,319.21
Unmatured interest, dividends and rents payable ..	560,244.55	
Other current liabilities	385,426.17	
Liability on account of fidelity and indemnity funds		10,792.83
Operating and insurance reserves	1,259,395.16	
Accrued depreciation—buildings	4,912,995.93	87,777.38
Accrued depreciation—equipment	22,437,859.41	546,605.66
Other unadjusted credits	75,767.89	2,644.48
Profit and loss—credit balance		131,223.95
GRAND TOTAL	\$74,516,272.38	\$ 2,353,307.99

STATISTICS OF EXPRESS COMPANIES—CALENDAR YEAR 1935
INVESTMENT IN REAL PROPERTY AND EQUIPMENT—ENTIRE COMPANY AND
STATE OF FLORIDA

ACCOUNT	Railway Express Agency Incorporated		Southeastern Express Company	
	Entire Company	State of Florida	Entire Company	State of Florida
Land	\$ 8,087,510.61	\$ 337,396.26	\$ 20,081.50	.....
Buildings and appurtenances on land owned	8,151,087.02	173,221.96	43,918.28	.....
Buildings and appurtenances on land not owned	3,747,406.38	708,028.92	87,427.31	.....
Improvements to buildings not owned	97,168.63	170.54	42,257.29	3,294.36
Cars	968,634.56	.....	.....	.....
Automobiles	19,268,993.80	277,184.49	787,288.84	15,012.93
Office furniture and equipment	1,011,245.34	14,852.46	42,550.37	1,360.50
Office safes	410,713.07	6,414.78	24,082.88	279.70
Trucks	2,635,032.06	85,736.01	67,615.50	2,497.96
Garage equipment	641,221.12	2,124.91	4,491.49	95.36
Line equipment	248,001.78	.....	.....	.....
Shop equipment	176,714.52	3,120.26	.....	.....
Miscellaneous equipment	7,729.11	.....	.....	.....
Minor equipment	2,476,069.77	46,939.99	64,968.06	.....
Total Real Property and Equipment	\$47,927,527.77	\$ 1,655,190.58	\$ 1,184,681.52	\$ 22,540.81

STATISTICS OF EXPRESS COMPANIES—CALENDAR YEAR 1935
PROFIT AND LOSS ACCOUNT—ENTIRE COMPANY

ITEM	Railway Express Agency, Incorporated	Southeastern Express Company
Credit balance at beginning of year	\$	\$ 131,219.36
Credit balance transferred from income ..	3,818.79	458.00
Profit on real property and equipment sold	66.38	.....
Unrefundable overcharges	487.32	235.73
Miscellaneous credits	4,908.52	1,001.16
Total Credits	\$ 9,281.01	\$ 132,914.30
Dividend appropriations of surplus	\$	\$ 229.00
Loss on land sold	4,984.20	.....
Miscellaneous debits	4,296.81	1,461.35
Credit balance carried to balance sheet ..	.....	131,223.95
Total Debits	\$ 9,281.01	\$ 132,914.30

STATISTICS OF EXPRESS COMPANIES—CALENDAR YEAR 1935
INCOME ACCOUNT—ENTIRE COMPANY

ITEM	Railway Express Agency, Incorporated	Southeastern Express Company
OPERATING INCOME		
Charges for transportation	\$138,750,744.19	\$ 5,519,547.68
Express privileges—debit	53,169,611.54	2,234,493.70
Revenue from transportation	\$ 85,581,132.65	\$ 3,285,053.98
Revenue from operations other than transportation	2,487,357.13	120,758.15
Total operating revenues	\$ 88,068,489.78	\$ 3,405,812.13
Operating expenses	84,899,131.98	3,249,428.33
Net operating revenue	\$ 3,169,357.80	\$ 156,383.80
Uncollectible revenue from transportation ..	18,484.30	2,769.11
Express taxes	1,547,602.54	96,270.91
Operating income	\$ 1,603,270.96	\$ 57,343.78
OTHER INCOME		
Rent from real property and equipment used jointly	\$ 256.83	\$
Miscellaneous rent income	10,153.52	.....
Dividend income	11.00	.....
Income from funded securities	13,748.62	524.28
Income from unfunded securities and accounts	1,059.24	2,470.70
Miscellaneous income	122,935.34	.....
Total other income	\$ 148,164.55	\$ 2,995.07
Gross income	\$ 1,751,435.51	\$ 60,338.85
DEDUCTIONS FROM GROSS INCOME		
Rent for real property and equipment used jointly	\$ 872.85	\$
Interest on funded debt	1,689,459.42	.....
Interest on unfunded debt	3,913.75	109.85
Amortization of discount on funded debt ..	53,110.15	.....
Miscellaneous income debits	260.55	.....
Total deductions from gross income	\$ 1,747,616.72	\$ 109.85
Net income	\$ 3,818.79	\$ 60,229.00
DISPOSITION OF NET INCOME		
Dividend appropriations of income	\$	\$ 59,771.00
Income balance transferred to profit and loss—credit	\$ 3,818.79	\$ 458.00

STATISTICS OF EXPRESS COMPANIES—CALENDAR YEAR 1935
OPERATING REVENUES—ENTIRE COMPANY AND STATE OF FLORIDA

Account	Railway Express Agency Incorporated		Southeastern Express Company	
	Entire Company	State of Florida	Entire Company	State of Florida
TRANSPORTATION:				
Express domestic	\$138,218,842.35	\$	\$ 5,442,662.29	\$ 79,121.09
Miscellaneous	531,901.84	.....	76,885.39	.....
Total Transportation	\$138,750,744.19	\$ 3,361,967.35	\$ 5,519,547.68	\$ 79,121.09
Contract payments—express privileges	53,169,611.54	1,332,165.09	2,234,493.70	32,487.11
Revenue from transportation	\$ 85,581,132.65	\$ 2,029,802.26	\$ 3,285,053.98	\$ 46,633.98
OPERATIONS OTHER THAN TRANSPORTATION:				
Customs brokerage fees	\$ 127,459.55	\$	\$ 54.23	\$
Order and commission	4,161.04	.....	.....	.....
Rents of buildings and other property	74,836.01	.....	330.00	.....
Money orders .....	.....	.....	26,021.19	340.74
C. O. D. Checks	1,574,778.39	.....	84,926.26	654.05
Profit on exchange and other financial revenue	117.95	.....	.....	.....
Miscellaneous	706,004.19	.....	9,426.47	.....
Total other than transportation	\$ 2,487,357.13	\$ 74,904.81	\$ 120,758.15	\$ 994.79
Total operating revenues	\$ 88,068,489.78	\$ 2,104,707.07	\$ 3,405,812.13	\$ 47,628.77

STATISTICS OF EXPRESS COMPANIES—CALENDAR YEAR 1935
OPERATING EXPENSES—ENTIRE COMPANY AND STATE OF FLORIDA

NAME OF ACCOUNT	Railway Express Agency, Incorporated		Southeastern Express Company	
	Entire Company	State of Florida	Entire Company	State of Florida
Maintenance expense	\$ 4,300,663.42	\$ 102,233.66	\$ 124,024.70	\$ 1,173.14
Traffic expense	512,448.34	12,485.19	92,448.56	875.25
Transportation expense	75,731,150.45	1,845,104.45	2,845,732.14	26,893.13
General expense	4,354,869.77	106,101.18	187,222.93	1,768.92
Total operating expenses	\$ 84,899,131.98	\$ 2,065,924.48	\$ 3,249,428.33	\$ 30,710.44
Ratio of operating expenses to operating revenue %	96.40	98.16	95.41	95.41

STATISTICS OF SLEEPING CAR COMPANIES—CALENDAR YEAR
1935—GENERAL BALANCE SHEET—ENTIRE COMPANY
BALANCE AT DECEMBER 31, 1935

ASSETS	The Pullman Company
Investment in sleeping car property	\$244,091,468.89
Miscellaneous physical property	3,311.63
Investments in stocks	407,044.35
Investments in bonds	4,645,479.93
Investments in notes	6,987.50
Cash	6,429,157.18
Special deposits	3,000.00
Net balance receivable from receiving cashiers and ticket agents	844,426.82
Miscellaneous accounts receivable	3,550,398.97
Loans and bill receivable	10,663.39
Material and supplies	4,646,335.35
Interest and dividends receivable	83,837.81
Other current assets	211,474.17
Working fund advances	21,865.00
Insurance and other funds	5,602,998.76
Other deferred assets	97,231.12
Rents and insurance premiums paid in advance	65,359.67
Other unadjusted debits	5,554,293.76
Grand Total	\$276,275,334.30
LIABILITIES	
Capital stock	\$108,135,000.00
Wages payable	939,601.57
Miscellaneous accounts payable	2,263,072.71
Dividends matured unpaid	1,613.30
Other current liabilities	120,834.34
Liability for provident funds	5,169,063.92
Other deferred liabilities	1,571.81
Tax liability	1,826,252.82
Insurance and casualty reserves	268,408.95
Operating reserves	20,000.00
Accrued depreciation—equipment	143,269,047.87
Accrued depreciation—buildings, appurtenances and grounds	3,607,053.24
Other unadjusted credits	8,354,675.71
Miscellaneous fund reserves	255,335.84
Appropriated surplus not specifically invested	1,492,324.48
Profit and loss	551,477.74
Grand Total	\$276,275,334.30

**STATISTICS OF SLEEPING CAR COMPANIES—CALENDAR YEAR
1935—OPERATING REVENUES AND EXPENSES—ENTIRE
COMPANY AND STATE OF FLORIDA**

NAME OF ACCOUNT	The Pullman Company	
	Entire Company	State of Florida
OPERATING REVENUES		
Standard sleeping car berth revenue	\$ 39,549,366.85	\$ 984,632.90
Tourist sleeping car berth revenue	1,821,944.56	1,181.65
Other car berth revenue	1,433.03	
Standard sleeping car seat revenue	1,156,218.04	40,983.61
Tourist sleeping car seat revenue	2,930.61	
Parlor car seat revenue	2,928,064.28	8,877.55
Composite car seat revenue	12,675.45	1,354.85
Other car seat revenue	155.50	
Charter of standard sleeping cars— per diem rates	296,726.76	2,027.33
Charter of standard sleeping cars— berth rates	109,387.74	
Charter of tourist sleeping cars— per diem rates	69,470.00	540.50
Charter of tourist sleeping cars— berth rates	156.60	
Charter of private cars—per diem rates	65,666.26	3,533.01
Charter of other cars to other than car- riers—per diem rates	393.00	
Charter of other cars—berth or seat rates	3,107.80	
Charter of other cars to carriers— other rates	423,452.34	10,183.40
Miscellaneous revenue	60,101.74	1,098.09
Car mileage revenue	4,610,059.27	29,679.66
Contract revenue—debit	2,683,285.70	129,374.72
Grand Total	\$ 48,428,024.13	\$ 954,717.83
OPERATING EXPENSES		
Maintenance	\$ 26,575,829.79	\$ 506,985.91
Conducting car operations	19,720,059.52	366,303.37
General expenses	2,780,803.22	51,354.12
Total expenses	\$ 49,076,692.53	\$ 924,643.40
Ratio of expenses to revenue—per cent	101.34	96.85
Taxes	\$* 1,145,361.40	\$** 33,000.00

* Includes Auxiliary operations tax accruals amounting to \$19,527.51.

** State tax only, does not include a portion of Federal Income or other Federal Taxes.

STATISTICS OF SLEEPING CAR COMPANIES—CALENDAR YEAR 1935
OPERATING AND STATISTICAL STATEMENT—ENTIRE COMPANY

KIND OF CAR	NUMBER OF PASSENGERS			Number of Non- revenue passengers	Car Miles	Car Days	Average Revenue per Passenger	
	Berth	Seat	Total				Berth	Seat
CONTRACT OPERATIONS:								
Standard sleeping cars	9,986,254	1,318,257	11,304,511	400,320	651,693,393	1,540,582	\$ 3.96	\$.88
Tourist sleeping cars	638,404	3,490	641,894	6,909	38,662,879	79,164	2.85	.84
Parlor cars		3,525,556	3,525,556	55,791	53,219,570	195,716		.83
Composite cars		6,528	6,528	353	14,445,920	28,532		1.91
Miscellaneous cars	160	59	219		532,270	1,783	8.96	2.64
Total—Contract Operations ..	10,624,818	4,853,890	15,478,708	463,373	758,554,032	1,845,777	\$ 3.89	\$.84

	Dollars	Cents	Mills
Sleeping car operations—revenues	\$48,428,024	13	
Revenues per car-mile		06	384
Revenues per car-day	26	23	720
Sleeping car operations—expenses	49,076,692	53	
Expenses per car-mile		06	469
Expenses per car-day	26	58	864
Net Revenue—Deficit	648,668	40	
Net deficit per car-mile		00	085
Net deficit per car-day		35	144

	Amount
Passenger-miles	7,146,269,648
Revenue per passenger-mile .....	.00 636
Average number of car-miles per car-day	410.967
Average number of car-miles per mile of trackage operated over	6,572
Average capacity per car (passenger) :	
Standard sleeping cars, berths	25.34
Tourist sleeping cars, berths	30.38
Parlor cars, seats	30.38
Composite cars, seats	28.05
Average weight per car equipped for service (pounds) :	
Steel cars	164,250
Other than steel cars	150,000

STATISTICS OF ELECTRIC RAILWAYS—CALENDAR YEAR 1935
GENERAL BALANCE SHEET

ASSETS	City of Coral Gables	City of St. Petersburg	Motor Transit Company	Tampa Electric Company	The Miami Beach Railway Company
Road and equipment	\$ 1,682,151.10	\$ 1,433,149.53	\$ 1,557,760.28	\$ 3,328,907.04	\$ 713,355.91
Deposits in lieu of mortgaged property			3,564.33		
Miscellaneous physical property				13,988,258.55	739,712.76
Other Investments; Stocks				6,017.00	
Bonds				16,000.00	3,500.00
Miscellaneous				1,818.29	
Cash		430.00	58,757.80	578,391.28	42,088.11
Special deposits			7,033.13		
Loans and notes receivable				10,357.28	
Miscellaneous accounts receivable			1,875.53	808,898.21	211,694.70
Material and supplies		21,439.55	19,245.90	274,747.00	28,119.42
Interest, dividends and rents receivable			56.25	1,327.35	
Other current assets				11,500.00	2,550.00
Unadjusted debits			947.89	32,164.03	284,083.29
Grand Total	\$ 1,682,151.10	\$ 1,455,019.08	\$ 1,649,241.11	\$19,058,386.03	\$ 2,025,104.19

STATISTICS OF ELECTRIC RAILWAYS—CALENDAR YEAR 1935
GENERAL BALANCE SHEET—(Continued)

LIABILITIES	City of Coral Gables	City of St. Petersburg	Motor Transit Company	Tampa Electric Company	The Miami Beach Railway Company
Capital stock	\$	\$	\$	\$12,357,253.20	\$
Funded debt	1,275,000.00		688,320.00		100,000.00
Nonnegotiable debt to affiliated companies			1,749,423.36		100,000.00
Loans and notes payable	1,145,856.94				2,203,000.00
Audited accounts and wages payable			20,536.32	127,470.63	84,136.27
Miscellaneous accounts payable		317,634.98			
Matured funded debt unpaid	425,000.00				
Accrued interest, dividends and rents payable			657.85	9,193.59	25,333.34
Other current liabilities				863.52	1,834.97
Deferred liabilities				214,909.54	
Tax liability			13,047.22	306,922.49	
Insurance and casualty reserves					16,546.24
Operating reserves			27,399.97	61,876.12	183,771.07
Accrued depreciation—road and equipment	103,579.37	652,936.57	283,103.15	*4,006,810.03	48,789.28
Accrued depreciation—miscellaneous physical property		47,422.70			331,710.03
Other unadjusted credits			10,071.40	316.40	1,427.62
Profit and loss—credit balance	†1,267,285.21	437,024.83	†1,143,318.16	1,972,770.52	†1,071,444.63
Grand Total	\$ 1,682,151.10	\$ 1,455,019.08	\$ 1,649,241.11	\$19,058,386.03	\$ 2,025,104.19

† Indicates debit item or deficit.

* Covers both road and equipment and miscellaneous physical property.

STATISTICS OF ELECTRIC RAILWAYS—CALENDAR YEAR 1935
INCOME STATEMENT FOR THE YEAR

ITEM	City of Coral Gables	City of St. Petersburg	Motor Transit Company	Tampa Electric Company	The Miami Beach Railway Company
Railway operating revenues	\$ 48,933.64	\$ 179,615.70	\$ 582,682.66	\$ 502,917.99	\$ 366,363.44
Railway operating expenses	35,646.13	199,021.08	507,157.57	555,673.95	332,474.83
Net revenue—railway operations	\$ 13,287.51	\$ *19,504.38	\$ 75,525.09	\$ *52,755.96	\$ 33,888.61
Auxiliary operations—revenues	\$ 27,718.31	* 12,092.93			
Auxiliary operations—expenses	44,909.69	19,121.92			
Net revenue—auxiliary operations	\$ *17,191.38	\$ *7,028.99			
Net operating revenue	\$ *3,903.87	* *26,434.37	\$ 75,525.09	\$ *52,755.96	\$ 33,888.61
Taxes assignable to railway operations			69,708.70	38,694.87	2,601.39
Operating income	\$ *3,903.87	\$ *26,434.37	\$ 5,816.39	\$ *91,450.83	\$ 31,287.22
NONOPERATING INCOME					
Miscellaneous rent income	\$	\$	\$ 1,796.50	\$ 180.00	\$
Net income from miscellaneous physical property				1,383,658.88	
Income from funded securities			223.33	1,015.00	
Income from unfunded securities and accounts			4.25	24,869.68	947.98
Miscellaneous income			66.06	10,568.04	91.26
Total nonoperating income	\$	\$	\$ 2,090.14	\$ 1,420,291.10	\$ 1,039.24
Gross income	\$ *3,903.87	\$ *26,434.37	\$ 7,906.53	\$ 1,328,840.27	\$ 32,326.46
DEDUCTIONS FROM GROSS INCOME					
Rent for leased roads	\$	\$	\$	\$	\$ 37,207.79
Net loss on miscellaneous physical property					1,004.81
Interest on funded debt	102,000.00		10,092.54		8,000.00
Interest on unfunded debt	2,082.05			10,959.48	
Miscellaneous debits			250.00	1,800.81	
Total deductions from gross income	\$ 104,082.05	\$	\$ 10,342.54	\$ 12,760.29	\$ 46,212.60
Income balance transferred to Profit and Loss	\$ *107,985.92	\$ *26,434.37	\$ *2,436.01	\$ 1,316,079.98	\$ *13,886.14

* Indicates debit item or deficit.

STATISTICS OF ELECTRIC RAILWAYS—CALENDAR YEAR 1935
RAILWAY OPERATING REVENUES AND EXPENSES

ITEM	City of Coral Gables	City of St. Petersburg	Motor Transit Company	Tampa Electric Company	The Miami Beach Railway Company
RAILWAY OPERATING REVENUES					
Passenger revenue	\$ 48,933.64	\$ 178,316.81	\$ 579,358.00	\$ 500,703.73	\$ 315,697.10
Parlor, sleeping, dining and special car revenue			663.01	156.00	5.00
Miscellaneous transportation revenue					46,926.32
Total revenue from transportation	\$ 48,933.64	\$ 178,316.81	\$ 580,021.01	\$ 500,859.73	\$ 362,628.42
Station and car privileges		\$ 1,149.30	\$ 1,670.76	\$ 2,058.26	\$ 3,222.37
Rent of equipment			67.19		
Rent of building and other property			513.63		
Power			410.07		
Miscellaneous		149.59			512.65
Total revenue from other railway operations	\$	\$ 1,298.89	\$ 2,661.65	\$ 2,058.26	\$ 3,735.02
Total operating revenues	\$ 48,933.64	\$ 179,615.70	\$ 582,682.66	\$ 502,917.99	\$ 366,363.44
RAILWAY OPERATING EXPENSES					
Way and structures	\$ 2,308.77	\$ 48,600.66	\$ 25,186.94	\$ 130,503.84	\$ 16,739.31
Equipment	6,763.40	37,296.35	144,170.53	92,397.01	39,095.54
Power	15,025.02	44,756.81	60,588.35	34,715.09	95,325.44
Conducting transportation	9,039.39	61,128.75	203,033.84	220,724.92	116,903.53
Traffic	10.00	1,655.54	2,026.02	2,294.88	65.00
General and miscellaneous	2,499.55	5,582.97	72,151.89	75,038.21	64,346.01
Total operating expenses	\$ 35,646.13	\$ 199,021.08	\$ 507,157.57	\$ 555,673.95	\$ 332,474.83
Ratio of operating expenses to revenue—per cent	72.85	110.80	87.04	110.49	90.75

STATISTICS OF ELECTRIC RAILWAYS—CALENDAR YEAR 1935
ROAD OPERATED AT CLOSE OF YEAR

NAME OF COMPANY	Miles of Road	Miles of Second Main Track	Miles of Sidings and Turnouts	Miles of Track in Carhouses, Shops, etc.	TOTAL
City of Coral Gables	6.80				6.80
City of St. Petersburg	29.29	* 1.91	2.16	2.08	35.44
Motor Transit Company	15.349	5.881	3.281	.597	24.108
Tampa Electric Company	44.26	2.94	5.01	.96	53.17
The Miami Beach Railway Co.	23.16	4.76	1.09	.66	29.67

* Includes .38 miles of all other main tracks.

STATISTICS OF ELECTRIC RAILWAYS—CALENDAR YEAR 1935
MILEAGE, TRAFFIC AND MISCELLANEOUS STATISTICS.
RAIL-LINE OPERATIONS

ITEM	City of Coral Gables	City of St. Peters- burg	Motor Transit Company	Tampa Electric Company	The Miami Beach Railway Company
Passenger car mileage	138,881	1,116,846	290,936	3,097,195	1,484,627
Freight, mail and express car mileage					
Total Car Mileage	138,881	1,116,846	290,936	3,097,195	1,484,627
Passenger car-hours	15,955	105,238	32,618	333,189	176,922
Freight, mail and express car-hours					
Total Car-Hours	15,955	105,238	32,618	333,189	176,922
Regular fare passengers carried	531,584	2,629,945	848,735	10,233,971	5,533,767
Revenue transfer passengers carried					
Total Revenue Passengers Carried	531,584	2,629,945	848,735	10,233,971	5,533,767
Free transfer passengers carried					
Total Passengers carried	531,584	2,629,945	1,122,355	12,718,292	6,739,373
Employees and others carried free		6,000	771	144,266	51,619
Passenger revenue	\$ 48,933.64	\$178,316.81	\$ 52,685.85	\$500,703.73	\$315,697.10
Average fare, revenue passengers .....	.09205	.06780	.06208	.04893	.05705
Average fare, all passengers, incl. transfer .....	.09205	.06780	.04694	.03937	.04684
Total revenue from transportation	48,933.64	178,316.81	52,685.85	500,859.73	362,628.42
Revenue from transportation per car-mile .....	.35234	.15966	.18109	.16171	.24426
Revenue from transportation per car-hour	3.06697	1.69441	1.61524	1.50323	2.04965
Total revenue from other railway operations		1,298.89	1,074.57	2,058.26	3,735.02
Revenue from other railway operations:					
Per car-mile .....		.00116	.00369	.00066	.00252
Per car-hour .....		.01234	.03294	.00618	.02111
Total operating revenues	48,933.64	179,615.70	53,760.42	502,917.99	366,363.44
Operating revenues per car-mile .....	.35234	.16082	.18478	.16238	.24677
Operating revenues per car-hour	3.06697	1.70676	1.64818	1.50941	2.07076
Total operating expenses	35,646.13	199,021.08	83,226.31	555,673.95	332,474.83
Operating expenses per car-mile .....	.25666	.17820	.28606	.17941	.22395
Operating expenses per car-hour	2.23416	1.89115	2.55155	1.66774	1.87922

Does not include motor bus operation.

STATISTICS OF ELECTRIC RAILWAYS—CALENDAR YEAR 1935
MILEAGE, TRAFFIC AND MISCELLANEOUS STATISTICS.
MOTOR-BUS OPERATIONS

ITEM	City of Coral Gables	City of St. Peters- burg	Motor Transit Company	The Miami Beach Railway Company
Passenger car mileage	371,474	160,927	3,619,992	700,020
Freight, mail and express car mileage				
Total Car Mileage	371,474	160,927	3,619,992	700,020
Passenger car-hours	32,602	13,745	296,620	61,121
Freight, mail and express car-hours				
Total Car-hours	32,602	13,745	296,620	61,121
Regular fare passengers carried	720,183	184,522	8,288,791	1,047,153
Revenue transfer passengers carried				
Total revenue passengers carried	720,183	184,522	8,288,791	1,047,153
Free transfer passengers carried			1,781,939	519,661
Total passengers carried	720,283	184,522	10,070,730	1,566,816
Employees and others carried free		800	9,153	7,364
Passenger revenue	\$ 27,718.31	\$ 12,067.93	\$526,672.15	\$102,650.35
Average fare revenue passengers .....	.03848	.06540	.06354	.09803
Average fare all passengers, incl. transfer .....	.03848	.06540	.05230	.06552
Total revenue from transportation	27,718.31	12,067.93	527,335.16	106,536.22
Revenue from transportation per car-mile .....	.07461	.07499	.14567	.15219
Revenue from transportation per car hour .....	.85020	.87799	1.77781	1.74304
Total revenue from other railway operations		25.00	1,587.08	247.75
Revenue from other railway operations:				
Per car-mile .....		.00016	.00044	.00035
Per car-hour .....		.00182	.00535	.00405
Total operating revenues	27,718.31	12,092.93	528,922.24	106,783.97
Operating revenues per car-mile .....	.07461	.07515	.14611	.15254
Operating revenues per car-hour .....	.85020	.87981	1.78316	1.74709
Total operating expenses	44,909.69	19,121.92	423,931.26	96,684.79
Operating expenses per car-mile .....	.12089	.11882	.11711	.13812
Operating expenses per car-mile	1.37751	1.39119	1.42921	1.58186

STATISTICS OF BOAT LINE OPERATIONS—CALENDAR YEAR 1935
GENERAL BALANCE SHEET—ENTIRE COMPANY

ASSETS	Agwilnes, Inc.	Brown Motor Freight & Boat Lines, Inc.	Kinzie Brothers Steamer Line	Miller River Line	Pensacola St. Andrews & Gulf Steamship Company	St. Johns River Line Company	Suwannee Steamship Company	River Valley Line, Inc.
Investment in real property and equipment	\$11,262,726.02	\$ 27,581.83	\$ 71,954.83	\$ 11,630.00	\$ 44,835.63	\$ 204,579.69	\$ 49,421.35	\$ 112.50
Reserves for accrued depreciation	*8,140,062.87	*20,648.97	*32,412.21	*1,627.49	*35,173.25	*68,676.37	*8,798.52	
Securities of transportation system corporations—unpledged	8,143,183.29							
Long-term advances to transportation system corporations	727,107.75							
Miscellaneous investments	59,480.00	15,923.83				(1)36,166.36		
Cash	414,064.50	209.93	1,109.82	*29.78	34,793.13	6,708.09	593.78	*250.04
Marketable securities	662.38		2,875.00		10,609.75			
Loans and bills receivable	100,452.65		1,215.51	105.00	1,508.72	23,664.60	12,668.75	
Traffic balances owed by other companies	48,985.73		230.72					
Net balances due from agents, pursuers and stewards	138,287.01		647.37		2,954.27	1,403.06 23,162.70	442.48	
Insurance claims against underwriters	66,979.93							
Miscellaneous accounts receivable	299,021.66	4,138.67	8,107.19		656.34		60.00	56.95
Material and supplies	144,243.10	181.50	185.71		2,464.88	3,213.66		248.55
Unmatured dividends and interest receivable	28,140.12							
Other working assets	15,514.16							
Temporary advances	28,384.40							
Rents paid in advance	7,191.66					250.00		
Insurance premiums paid in advance	277,987.43	584.83			1,370.95	2,025.21	3,304.60	
Taxes paid in advance		75.00				486.75		
Unamortized debt discount and expense	551.51							
Special deposits	1,455.00				25.00			
Sinking fund assets	1,000.00							
Insurance and other reserve fund assets	282,479.28							
Open voyage expenses	100,285.45							
Other deferred debit items	12,303,753.55	66.12		10.12	1,001.97	6,131.60		
Grand Total	\$26,311,873.71	\$ 28,112.74	\$ 53,913.94	\$ 10,087.85	\$ 65,047.39	\$ 239,115.35	\$ 57,692.44	\$ 167.96

* Indicates a credit item.

STATISTICS OF BOAT LINE OPERATIONS—CALENDAR YEAR 1935
GENERAL BALANCE SHEET—ENTIRE COMPANY

LIABILITIES	Agulinea, Inc.	Brown Motor Freight & Boat Lines, Inc.	Kinzle Brothers Steamer Line	Miller River Line	Pensacola St. Andrews & Gulf Steamship Company	St. Johns River Line Company	Suwannee Steamship Company	River Valley Line, Inc.
Capital stock	\$ 7,600,000.00	\$ 17,978.28	\$ 20,071.47	\$ 5,948.65	\$ 25,000.00	\$ 8,606.00	\$ 1,000.00	\$ 2,000.00
Premium on capital stock						66,211.08		
Long-term debt	4,305,832.55	6,073.00		3,415.47		34,750.60		
Loans and bills payable		2,121.48	4,624.77	975.00		32,834.12		
Audited vouchers and wages unpaid	307,055.15	8,540.85				936.43	794.93	
Traffic balances owed to other companies	54,810.12		4.63					
Miscellaneous accounts payable	88,367.15		7,986.31		1,901.79	5,236.57		3,229.62
Matured dividends and interest unpaid	4,880.00							
Matured rents unpaid	1,068,005.59							
Matured long-term debt unpaid	1,000.00							
Working advances owed to other companies							51,243.27	
Other working liabilities	39,845.15							
Unmatured dividends, interest & rents payable	3,658.33			264.68		626.42		
Taxes accrued	4,200.00	82.81	331.62			7,294.25	155.32	
Deferred credit items	512,781.01				973.08		9.75	
Appropriated surplus	12,050,892.95		13,568.63				553.36	
Profit and loss—credit balance	270,545.71	*6,683.68	7,326.51	*515.95	37,172.52	82,619.88	3,935.81	*5,061.66
Grand Total	\$26,311,873.71	\$ 28,112.74	\$ 53,913.94	\$ 10,087.85	\$ 65,047.39	\$ 239,115.35	\$ 57,692.44	\$ 167.96

* Indicates a debit item or deficit.

(1) Includes \$25,518.75 intangible assets.

**STATISTICS OF BOAT LINE COMPANIES—CALENDAR YEAR 1935
PROFIT AND LOSS BALANCES AND INCOME ACCOUNTS DETAILED**

NAME OF ACCOUNT	Agulines, Inc.	Brown Motor Freight & Boat Lines, Inc.	Kinzie Brothers Steamer Line	Miller River Line	Pensacola St. Andrews & Gulf Steamship Company	St. Johns River Line Company	Suwannee Steamship Company	River Valley Line, Inc.
PROFIT AND LOSS ACCOUNT								
Credit balance at beginning of year	\$ 252,244.03	\$	\$ 8,192.97	\$	\$ 34,052.05	\$ 40,160.55	\$ 3,013.14	\$
Credit balance transferred from income account	.....	.....	.....	.....	3,823.47	15,576.84	3,360.61	.....
Real property and equipment credits	411,607.89	1,000.00	.....	.....	.....	93.69	1,135.06	.....
Delayed income credits	14,551.29	.....	.....	.....	.....	35,000.00	.....	.....
Miscellaneous credits	11,260.49	.....	.....	.....	547.00	.....	.....	.....
Debit balance carried to balance sheet	.....	6,683.68	.....	515.95	.....	.....	.....	5,061.66
Total	\$ 689,663.70	\$ 7,683.68	\$ 8,192.97	\$ 515.95	\$ 38,422.52	\$ 90,831.08	\$ 7,508.81	\$ 5,061.66
Debit balance at beginning of year	\$	\$ 4,264.71	\$	\$ 489.62	\$	\$	\$	\$ 123.42
Debit balance transferred from income account	389,889.03	3,418.97	866.46	26.33	.....	.....	.....	4,938.24
Dividend appropriations of surplus	.....	.....	.....	.....	1,250.00	.....	.....	.....
Miscellaneous appropriations of surplus	19,728.15	.....	.....	.....	.....	.....	.....	.....
Real property and equipment debits	4,618.44	.....	.....	.....	.....	.....	3,573.00	.....
Delayed income debits	.....	.....	.....	.....	.....	4,812.50	.....	.....
Miscellaneous debits	4,882.37	.....	.....	.....	.....	3,398.70	.....	.....
Credit balance carried to balance sheet	270,545.71	.....	7,326.51	.....	\$ 37,172.52	\$ 82,619.88	\$ 3,935.81	.....
Total	\$ 689,663.70	\$ 7,683.68	\$ 8,192.97	\$ 515.95	\$ 38,422.52	\$ 90,831.08	\$ 7,508.81	\$ 5,061.66

STATISTICS OF BOAT LINE COMPANIES—CALENDAR YEAR 1935
PROFIT AND LOSS BALANCES AND INCOME ACCOUNTS DETAILED

INCOME ACCOUNT—DETAILS	Agulines, Inc.	Brown Motor Freight & Boat Lines, Inc.	Kinzle Brothers Steamer Line	Miller River Line	Pensacola St. Andrews & Gulf Steamship Company	St. Johns River Line Company	Suwannee Steamship Company	River Valley Line, Inc.
Freight revenue	\$ 6,679,664.64	\$ 26,300.78	\$ 6,417.05	\$ 2,583.35	\$ 60,626.58	\$ 266,819.21	\$ 50,167.56	\$ 1,254.56
Passenger revenue	1,766,421.08		4,674.70		191.75			
Other transportation revenue	262,270.62		6,494.99					1.30
Revenue from operations other than trans- portation	150,779.11		309.08		546.93	1,815.84		
Charter revenue	558,735.29			546.93	1,815.84			
Total water-line operating revenues	\$ 9,417,870.74	\$ 26,300.78	\$ 17,895.82	\$ 2,583.35	\$ 61,365.26	\$ 268,635.05	\$ 50,167.56	\$ 1,255.86
Maintenance of equipment	\$ 1,107,124.14	\$ 4,709.22	\$ 6,307.36	\$ 908.41	\$ 7,361.81	\$ 30,530.96	\$ 1,814.68	\$
Maintenance of terminals	248,059.69	294.25	737.76		373.83	4,860.22	625.58	
Traffic expenses	676,964.12	22.50	453.57		65.50	10,713.13	1,039.55	
Transportation expenses	5,481,874.04	12,798.84	9,002.51	1,210.74	43,716.59	151,946.17	12,660.17	5,761.60
General expenses	825,483.08	3,236.55	3,859.39	189.48	5,015.95	36,140.43	24,438.23	432.50
Charter expenses	844,446.72				100.00	10,118.28		
Total water-line operating expenses	\$ 9,183,951.79	\$ 21,061.36	\$ 20,360.59	\$ 2,308.63	\$ 56,533.68	\$ 234,290.91	\$ 50,696.49	\$ 6,194.10
Net revenue from water-line operations	\$ 233,918.95	\$ 5,239.42	\$ *2,464.77	\$ 274.72	\$ 4,831.58	\$ 34,344.14	\$ *528.93	\$ *4,938.24
Auxiliary operations—revenues	\$	\$	\$ 2,651.22	\$ 1,836.04	\$	\$	\$ 46,754.73	\$
Auxiliary operations—expenses	\$	\$	1,371.59	2,137.09	\$	\$	40,571.64	\$
Net revenue from auxiliary operations	\$	\$	\$ 1,279.63	\$ *301.05	\$	\$	\$ 6,183.09	\$
Net water-line operating revenue	\$ 233,918.95	\$ 5,239.42	\$ *1,185.14	\$ *26.33	\$ 4,831.58	\$ 34,344.14	\$ 5,654.16	\$ *4,938.24
Water-line tax accruals	51,368.79	826.28			1,536.36	11,349.04	350.09	
Water-line operating income	\$ 182,550.16	\$ 4,413.14	\$ *1,185.14	\$ *26.33	\$ 3,295.22	\$ 22,995.10	\$ 5,304.07	\$ *4,938.24
Total other income	67,746.92		318.68		528.25	12,672.08	2,326.54	
Gross income	\$ 250,297.08	\$ 4,413.14	\$ *866.46	\$ *26.33	\$ 3,823.47	\$ 35,667.18	\$ 7,630.61	\$ *4,938.24
Deductions from gross income	640,186.11	7,832.11				20,090.34	4,270.00	
Net income transferred to profit and loss	\$ *389,889.03	\$ *3,418.97	\$ *866.46	\$ *26.33	\$ 3,823.47	\$ 15,576.84	\$ 3,360.61	\$ *4,938.24

* Indicates debit item or deficit.

STATISTICS OF BOAT LINE COMPANIES—CALENDAR YEAR 1935
WATER TRANSPORTATION COMPANIES OPERATED WITHIN THE STATE OF FLORIDA

NAME OF COMPANY	BUSINESS ADDRESS	TERRITORY IN GENERAL
Agwlines, Inc.	Pier 34, North River, New York, N. Y.	Operates ocean going steamers out of Boston, New York, Charleston, Jacksonville, Miami, Tampa, New Orleans and Galveston.
Brown Motor Freight & Boat Lines, Inc.	Foot of Newnan Street, Jacksonville, Florida	Operates Jacksonville to Daytona, Titusville, Cocoa, Melbourne and Vero Beach, Florida.
Kinzle Brothers Steamer Line	46 City Dock, Ft. Myers, Florida	Operates Ft. Myers to Sanibel, Pine Island, Captiva and Punta Rassa.
Miller River Line	Crescent City, Florida	Operates between Jacksonville and Crescent City, serving intermediate landings on St. Johns River.
Pensacola, St. Andrews & Gulf Steamship Company,	401 Thiesen Building, Pensacola, Florida	Operates steamers between Pensacola, Panama City, Apalachicola and Carrabelle, Florida and Mobile, Alabama.
River Valley Line, Inc. (1)	405 Eunice Street, Tampa, Florida	Operates between Jacksonville and Sanford, Florida on St. Johns River.
St. Johns River Line Company	Foot of Ocean Street W., Jacksonville, Florida	Operates between Jacksonville and Sanford on St. Johns River and Jacksonville to Daytona, Florida and Jacksonville to Brunswick, Georgia.
Suwannee Steamship Company	Care Winn & Lovett Grocery, Jacksonville, Florida	Operates between Jacksonville and Sanford, Florida on St. Johns River.

(1) Operated October 17 to December 31, 1935

STATISTICS OF TELEGRAPH-CABLE COMPANIES—CALENDAR YEAR 1935
GENERAL BALANCE SHEET—ENTIRE COMPANY

ASSETS	Western Union Telegraph Company	Postal Telegraph- Cable Company
Investment in plant and equipment	\$328,862,561.15	\$ 50,000.00
Construction work in progress	4,897,334.80	
Investment securities	12,868,015.24	
Long-term advances receivable	1,180,000.00	
Miscellaneous investments	109,485.48	
Working assets and accrued income	33,993,974.88	423,454.76
Deferred debit items	1,840,079.29	
Grand Total	\$383,751,450.84	\$ 473,454.76
LIABILITIES		
Capital stock	\$104,527,866.66	\$ 50,000.00
Capital stock of subsidiary companies	1,754,100.00	
Premiums on capital stock	1,163,350.00	
Funded debt	106,132,000.00	
Working and accrued liabilities	13,768,937.78	2,061,125.82
Deferred credit items	49,809,321.20	
Appropriated surplus	9,290,407.40	
Profit and loss	97,305,467.80	*1,637,671.06
Grand Total	\$383,751,450.84	\$ 473,454.76

* Indicates debit item or deficit.

STATISTICS OF TELEGRAPH-CABLE COMPANIES—CALENDAR YEAR 1935
PROFIT AND LOSS ACCOUNT—ENTIRE COMPANY

ITEM	Western Union Telegraph Company	Postal Telegraph- Company Cable
Balance at beginning of year—credit	\$ 94,162,464.99	\$
Credit balance transferred from income	5,258,077.92	
Miscellaneous credit	221,966.04	
Total	\$ 99,642,508.95	\$
Balance at beginning of year—debit	\$	\$ 1,356,254.97
Debit balance transferred from income		281,416.09
Dividend appropriations of surplus	2,090,064.00	
Miscellaneous debits	246,977.15	
Credit balance transferred to balance sheet	97,305,467.80	*1,637,671.06
Total	\$ 99,642,508.95	\$

* Indicates debit balance.

STATISTICS OF TELEGRAPH-CABLE COMPANIES—CALENDAR YEAR 1935
INCOME ACCOUNT—ENTIRE COMPANY

ITEMS	Western Union Telegraph Company	Postal Telegraph- Cable Company
OPERATING INCOME		
Telegraph and cable operating revenues	\$ 89,868,573.16	\$ 2,848,005.52
Telegraph and cable operating expenses	73,797,118.44	2,641,234.05
Net telegraph and cable operating revenues ..	\$ 16,071,454.72	\$ 206,771.47
Uncollectible operating revenues	\$ 629,080.00	\$ 19,446.00
Taxes assignable to operations	3,400,000.00	115,117.07
Deductions from net operating revenues	\$ 4,029,080.00	\$ 134,563.07
Operating income	\$ 12,042,374.72	\$ 72,208.40
Nonoperating income	1,520,738.49	
Gross income	\$ 13,563,113.21	\$ 72,208.40
Deduction from gross income	8,305,035.29	353,624.49
Net income transferred to profit and loss	\$ 5,258,077.92	\$ *281,416.09

* Indicates debit item or deficit.

STATISTICS OF TELEGRAPH-CABLE COMPANIES—CALENDAR YEAR 1935
OPERATING REVENUES AND EXPENSES, ENTIRE COMPANY AND STATE OF FLORIDA

ITEMS	WESTERN UNION TELEGRAPH COMPANY			
	Entire Company	STATE OF FLORIDA		
		Intrastate	Interstate	Total
OPERATING REVENUES				
Revenues from transmission—telegraph	\$78,165,339.10	\$ 582,059.77	\$ 1,632,105.46	\$ 2,214,165.23
Revenues from transmission—cable	5,961,349.09			
Operations other than transmission	7,176,266.45	60,972.22	62,857.20	123,829.42
Contract payments to transportation companies	1,434,381.48	1,156.19	2,016.76	3,172.95
Total operating revenues	\$89,868,573.16	\$ 641,875.80	\$ 1,692,945.90	\$ 2,334,821.70
OPERATING EXPENSES				
Maintenance expenses	\$15,425,895.07	\$	\$	\$ 500,982.23
Conducting operations	54,220,546.64			1,403,054.31
General and miscellaneous expenses	4,150,676.73			108,649.52
Total operating expenses	\$73,797,118.44	\$	\$	\$ 2,012,686.06
Ratio of operating expenses to revenue, per cent	82.12			86.20

STATISTICS OF TELEGRAPH-CABLE COMPANIES—CALENDAR YEAR 1935
OPERATING REVENUES AND EXPENSES, ENTIRE COMPANY AND STATE OF FLORIDA

ITEMS	POSTAL TELEGRAPH-CABLE COMPANY			
	Entire Company	STATE OF FLORIDA		
		Intrastate	Interstate	Total
OPERATING REVENUES				
Revenues from transmission—telegraph	\$ 2,583,070.08	\$ 143,090.51	\$ 419,979.94	\$ 563,070.45
Operations other than transmission	264,935.44	21,995.64	9,638.03	31,633.67
Total operating revenues	\$ 2,848,005.52	\$ 165,086.15	\$ 429,617.97	\$ 594,704.12
OPERATING EXPENSES				
Maintenance expenses	\$ 507,738.19	\$	\$	\$ 106,254.73
Conducting operations	1,978,593.42	.....	.....	413,962.66
General and miscellaneous expenses	154,902.44	.....	.....	32,449.89
Total operating expenses	\$ 2,641,234.05	\$	\$	\$ 552,667.28
Ratio of operating expenses to revenue, per cent	92.74	.....	.....	92.93

Note: Interstate revenues in State represents receipts or collections on interstate messages in the State of Florida, as reported by the telegraph-cable companies. The revenue from interstate messages, etc., is not apportioned to States but is assigned to the State in which paid or collected.

STATISTICS OF TELEPHONE COMPANIES—CALENDAR YEAR 1935
NAME OF COMPANY, BUSINESS ADDRESS, EXCHANGES AND SUBSCRIBER'S
STATION IN OPERATION—ALL COMPANIES

NAME OF COMPANY	BUSINESS ADDRESS	EXCHANGES	Exchange	Rural	Extension	Farmer	P. B. X. and Intercon	TOTAL
Callahan Telephone Co.	Callahan, Fla.	Callahan	13	8				21
		Hilliard	6	6				12
Clewiston Telephone Co.	Clewiston, Fla.	Clewiston	102	10				112
Cottondale Telephone Co.	Cottondale, Fla.	Cottondale	24					24
Florida Telephone Corporation	Orlando, Fla.	Alachua	33	4		8		45
		Apopka	72	48	12			132
		Bushnell	19	6				25
		Clermont	58	20	3			81
		Crescent City	98	14	8			120
		Crystal River	25	6	2			33
		Dade City	110	63	6			179
		Eustis	238	37	35			310
		Groveland	31	3	3			37
		Hastings	42	40	6			88
		High Springs	63	3				66
		Inverness	55	2				57
		Jasper	53	1	2			56
		Kissimmee	185	13	22			220
		Lake Butler	14	3		16		33
		Leesburg	373	127	55		7	562
		Live Oak	242	5	14			261
		Mayo	14					14
		Mount Dora	135	45	16			196
		Ocala	887	130	163	10	243	1,433
		St. Cloud	33	10	3			46
		Tavares	91	11	23		9	134
		Umatilla	50	7	4			61
		White Springs	13					13
		Wildwood	21	21	3			45
		Williston	44	4	2	4		54
		Winter Garden	115	88	24			227

STATISTICS OF TELEPHONE COMPANIES—CALENDAR YEAR 1935
NAME OF COMPANY, BUSINESS ADDRESS, EXCHANGES AND SUBSCRIBER'S
STATION IN OPERATION—ALL COMPANIES

NAME OF COMPANY	BUSINESS ADDRESS	EXCHANGES	Exchange	Rural	Extension	Farmer	P. B. X. and Intercon	TOTAL
Gulf Telephone Co.	Perry, Fla.	Perry	201	23	20	7	60	311
Hampton Telephone Co.	Hampton, Fla.	Hampton	3	7			10	10
InterCounty Telephone Co.	Ft. Myers, Fla.	Arcadia	278	27	41		108	454
		Avon Park	163	28	28		196	415
		Bowling Green	15	2	1			18
		Boca Grande	46		18		373	437
		Everglades	43	3	9			55
		Fort Meade	93	13	5	3		114
		Fort Myers	687	29	115		460	1,291
		LaBelle	21	2	2			25
		Lake Placid	34		9		30	73
		Moore Haven	34	2	1			37
		Naples	24	8	4			36
		Okeechobee	80	4	1		60	145
		Punta Gorda	169		20		246	435
		Sebring	172	15	34	4	514	739
		Wauchula	160	17	20			197
Macclenny Telephone Co.	Macclenny, Fla.	Macclenny	45					45
McIntosh Telephone Co.	McIntosh, Fla.	McIntosh	26	35				61
Malone Telephone Company	Malone, Fla.	Malone	7	13				20
Milton Telephone Company	Milton, Fla.	Milton	106	42	12	12		172
Molino Telephone Company	Molino, Fla.	Molino	11	6				17
Orange City Telephone Co.	Orange City, Fla.	Orange City	41					41
Peninsular Telephone Co.	Tampa, Fla.	Auburndale	89	4	20			113
		Bartow	564	67	153		20	804
		Bradenton	1,193	407	229		351	2,180
		Clearwater	848	600	512		967	2,927
		Frostproof	121	61	19		12	213
		Haines City	279	109	87		1	476

STATISTICS OF TELEPHONE COMPANIES—CALENDAR YEAR 1935
NAME OF COMPANY, BUSINESS ADDRESS, EXCHANGES AND SUBSCRIBER'S
STATION IN OPERATION—ALL COMPANIES

NAME OF COMPANY	BUSINESS ADDRESS	EXCHANGES	Exchange	Rural	Extension	Farmer	P. B. X. and Intercon.	TOTAL
		Lakeland	2,066	129	311		448	2,954
		Lake Wales	442	216	156		192	1,006
		Largo	51	89	21			161
		Mulberry	95	17	13			125
		New Port Richey	69		7		25	101
		Plant City	484	164	106		92	846
		St. Petersburg	5,627	60	911		3,482	10,080
		Sarasota	923	552	292		396	2,163
		Tampa	12,654	933	2,481		2,790	18,858
		Tarpon Springs	266	38	41		18	363
		Venice	88	12	11		29	140
		Winter Haven	705	226	212		123	1,266
Quincy Telephone Co.	Quincy, Fla.	Quincy	468	96	71		14	649
Riverside Telephone Co.	Blountstown, Fla.	Blountstown	62	7	3			72
		Wewahitchka	5					5
St. Joseph Tel. & Tel. Co.	Port St. Joe, Fla.	Apalachicola	77	2	2	2		83
		Port St. Joe	13					13
		River Junction	69		3			72
Seymour Telephone Co.	Sneeds, Fla.	Sneeds	24					24
Southeastern Telephone Co.	155 West Clark St. Chicago, Ill.	Bonifay	71		1			72
		Crestview	49		2			51
		DeFuniak Springs	227	5	15	12		259
		Greenville	16	5				21
		Madison	166	9	16	16		207
		Monticello	154	19	5			178
		Ponce de Leon	12			3		15
		Tallahassee	1,785	66	279		301	2,431
		Valpariso	19	6				25

STATISTICS OF TELEPHONE COMPANIES—CALENDAR YEAR 1935
NAME OF COMPANY, BUSINESS ADDRESS, EXCHANGES AND SUBSCRIBER'S
STATION IN OPERATION—ALL COMPANIES

NAME OF COMPANY	BUSINESS ADDRESS	EXCHANGES	Exchange	Rural	Extension	Farmer	P. B. X. and Intercon	TOTAL
Southern Bell Tel. & Tel. Co. ...	Atlanta, Ga.	Baldwin	13		2			15
		Belle Glade	77		11			88
		Boynton	24		6			30
		Brooksville	228		22			250
		Bunnell	38		2			40
		Cedar Key	16		2			18
		Chipley	148		6			154
		Cocoa	247		24		123	394
		Cross City	43		8			51
		Daytona Beach	2,133		401	4	1,403	3,941
		DeLand	657		118		315	1,090
		Delray Beach	155		25		553	733
		Dunnellon	77		5			82
		Eau Gallie	26		3		68	97
		Fernandina	146		16			162
		Ft. Lauderdale	699		131		156	986
		Ft. Pierce	504		70		166	740
		Gainesville	1,436		198	2	403	2,039
		Geneva	31		1			32
		Graceville	54		2			56
		Green Cove Springs	72	5	5			82
		Havana	73		1			74
		Hawthorne	21		3			24
		Hollywood	249		46		573	868
		Homestead	147	55	27			229
		Jacksonville	15,098		2,872	8	4,596	22,574
		Jacksonville Beach	135		8		43	186
		Jensen	21		1			22

STATISTICS OF TELEPHONE COMPANIES—CALENDAR YEAR 1935
NAME OF COMPANY, BUSINESS ADDRESS, EXCHANGES AND SUBSCRIBER'S
STATION IN OPERATION—ALL COMPANIES

NAME OF COMPANY	BUSINESS ADDRESS	EXCHANGES	Exchange	Rural	Extension	Farmer	P. B. X. and Intercon	TOTAL
		Kelsey City	25		5		15	45
		Key West	572		75		253	900
		Lake City	377		29	18	157	581
		Lake Worth	216		22		68	306
		Longwood	10					10
		Lynn Haven	60		2			62
		Melbourne	114		6		112	232
		Miami	15,573		3,967		14,842	34,382
		Micanopy	26		1			27
		New Smyrna	233		35	3	53	324
		Orange Park	29		4			33
		Orlando	3,668		806	39	1,436	5,949
		Oviedo	46		1			47
		Pahokee	124		21			145
		Palatka	517		89	7	109	722
		Panama City	581		69		171	821
		Pensacola	3,006		433	5	460	3,904
		Pompano	58		3			61
		St. Augustine	1,453		196	14	692	2,355
		Sanford	988		140	3	106	1,237
		Stuart	148		33		110	291
		Titusville	113		8			121
		Vero Beach	194				46	257
		West Palm Beach	3,271		1,309		3,287	7,867
Starke Telephone Company	Starke, Fla.	Starke	87		5	5		97
West Florida Tel. & Tel. Co. .	Marianna, Fla.	Marianna	247	12	27		79	365
West Putnam Telephone Co.	Interlachen, Fla.	Interlachen	3	37				40
Winter Park Telephone Co.	Winter Park, Fla.	Winter Park	627	10	288		163	1,088
Total			90,433	5,029	18,332	205	42,125	156,124

STATISTICS OF TELEPHONE COMPANIES—CALENDAR YEAR 1935
GENERAL BALANCE SHEET CLASS "A", "B" AND "C"—ENTIRE COMPANY

NAME OF COMPANY	ASSETS							
	Telephone Plant	Investments in Affiliated Companies	Other Investments	Miscellan- eous Physical Property	Sinking Funds	Current Assets	Deferred Debits	TOTAL
Florida Telephone Corporation	\$ 977,463.53	\$	\$ 360,000.00	\$	\$	\$ 69,196.07	\$ 87,235.34	\$ 1,493,894.94
Gulf Telephone Company	37,500.34	.....	.....	.....	.....	997.68	.....	38,498.02
Inter County Tel. & Tel. Co.	1,914,723.05	.....	.....	.....	.....	55,414.74	2,050.57	1,972,188.36
Milton Telephone Exchange	36,711.96	.....	1,000.00	.....	.....	11,238.74	.....	48,950.70
Peninsular Telephone Company	11,248,966.72	.....	7,936.00	199,595.77	.....	6,250,253.49	176,127.42	17,882,879.40
Quincy Telephone Company, Inc.	90,708.04	.....	1,354.00	.....	.....	23,900.61	.....	115,962.65
St. Joseph Tel. & Tel. Co.	73,879.98	.....	.....	.....	.....	30,477.62	163.50	104,521.10
Southeastern Telephone Co.	572,906.40	7,529.58	.....	.....	.....	34,219.63	2,185.70	616,841.31
Southern Bell Tel. & Tel. Co.	234,571,223.46	750,791.97	1,856,074.08	1,250,972.91	500,000.00	19,631,577.75	1,277,091.25	259,837,731.42
West Florida Tel. & Tel. Co.	47,056.82	.....	.....	.....	.....	2,268.76	.....	49,325.58
Winter Park Telephone Co.	196,895.63	13,500.00	.....	.....	.....	11,202.22	2,768.83	224,366.68
Total	\$249,768,035.93	\$ 771,821.55	\$ 2,226,364.08	\$ 1,450,568.68	\$ 500,000.00	\$26,120,747.31	\$ 1,547,622.61	\$282,385,160.16

STATISTICS OF TELEPHONE COMPANIES—CALENDAR YEAR 1935
GENERAL BALANCE SHEET CLASS "A", "B" AND "C"—ENTIRE COMPANY

NAME OF COMPANY	LIABILITIES							
	Stock	Long-term Debt	Current Liabilities	Accrued Liabilities Not Due	Deferred Credits and Reserves	Donations	Surplus Reserved	Unappropriated Surplus
Florida Telephone Corporation ..	\$ 528,800.00	\$ 768,700.00	\$ 45,982.42	\$ 34,203.91	\$ 104,227.03	\$	\$	\$ 11,981.58
Gulf Telephone Company	10,000.00		8,048.38		17,667.00			2,782.64
Inter County Tel. & Tel. Co.	450,000.00	1,166,863.99	45,289.97	29,552.03	339,432.70			*58,950.33
Milton Telephone Exchange	13,682.00		779.70	773.75	16,939.00			16,776.25
Peninsular Telephone Company ..	6,254,851.57	7,854,000.00	115,106.18	275,888.78	2,998,826.02	30,017.22	332,945.75	21,243.88
Quincy Telephone Company, Inc. ..	55,500.00	10,000.00	7,508.16		30,472.07			12,482.42
St. Joseph Tel. & Tel. Co.	50,000.00		1,776.81		34,598.09			18,146.20
Southeastern Telephone Co.	200,000.00	188,000.00	26,750.27	7,570.72	134,862.50	4,295.81		55,362.01
Southern Bell Tel. & Tel. Co.	124,999,000.00	64,950,599.53	4,250,887.45	4,209,560.41	56,115,217.98		626,238.00	4,686,228.05
West Florida Tel. & Tel. Co.	20,000.00			492.76	23,042.60			5,790.22
Winter Park Telephone Company ..	42,300.00	117,700.00	10,859.49	3,124.33	45,905.81	260.73		4,216.32
Total	\$132,624,133.57	\$75,055,863.52	\$ 4,512,988.83	\$ 4,561,166.69	\$59,861,190.80	\$ 34,573.76	\$959,183.75	\$ 4,776,059.24
								\$282,385,160.16

* Indicates debit item or deficit.

STATISTICS OF TELEPHONE COMPANIES—CALENDAR YEAR 1935
INCOME STATEMENT CLASS "A", "B" AND "C" COMPANIES

NAME OF COMPANY	Telephone Operating Revenues	Telephone Operating Expenses	Net Telephone Operating Revenues	Operating Taxes	Net Operating Income	Other Income	Miscellaneous Deductions from Income
Florida Telephone Corporation	\$ 209,297.63	\$ 142,650.91	\$ 66,646.72	\$ 16,801.91	\$ 49,844.81	\$ 14,000.00	\$
Gulf Telephone Company	9,148.93	8,912.59	236.34	455.45	*219.11	.....	.....
Inter County Tel. & Tel. Co.	167,403.08	119,868.18	47,534.90	11,411.70	36,123.20	.....	.....
Milton Telephone Exchange	10,345.67	8,898.21	1,447.46	1,278.58	168.88	.....	.....
Peninsular Telephone Company	1,918,285.59	1,124,169.86	794,115.73	201,727.30	592,388.43	17,726.77	3,005.71
Quincy Telephone Company, Inc.	23,224.40	18,136.76	5,087.64	1,641.11	3,446.53	.....	.....
St. Joseph Tel. & Tel. Co.	16,254.54	12,857.63	3,396.91	876.63	2,520.28	.....	316.39
Southeastern Telephone Co.	140,020.75	91,974.77	48,045.98	13,212.28	34,833.70	1,847.88	.....
Southern Bell Tel. & Tel. Co.	52,526,407.74	35,188,247.74	17,338,160.00	6,505,799.87	10,832,360.13	307,601.96	18,099.84
West Florida Tel. & Tel. Co.	15,436.73	11,143.53	4,293.20	1,202.20	3,091.00	.....	.....
Winter Park Telephone Co.	34,915.93	22,786.20	12,129.73	2,258.37	9,871.36	.....	.....
Total	\$55,070,740.99	\$36,749,646.38	\$18,321,094.61	\$ 6,756,665.40	\$11,564,429.21	\$ 341,176.61	\$ 21,421.94

STATISTICS OF TELEPHONE COMPANIES—CALENDAR YEAR 1935
INCOME STATEMENT CLASS "A", "B" AND "C" COMPANIES

NAME OF COMPANY	Income Available for Fixed Charged	Fixed Charges	Income after Fixed Charges	Dividend Appropriations	Income Balance
Florida Telephone Corporation	\$ 63,844.81	\$ 58,660.16	\$ 5,184.65	\$	\$ 5,184.65
Gulf Telephone Company	*219.11	473.15	*692.26	.....	*692.26
Inter County Tel. & Tel. Co.	36,123.20	52,033.36	*15,910.16	.....	*15,910.16
Milton Telephone Exchange	168.88	.....	168.88	.....	168.88
Peninsular Telephone Company	607,109.49	224,524.25	382,585.24	245,000.00	137,585.24
Quincy Telephone Company, Inc.	3,446.53	1,122.27	2,324.26	.....	2,324.26
St. Joseph Tel. & Tel. Co.	2,203.89	.....	2,203.89	.....	2,203.89
Southeastern Telephone Company	36,681.58	11,306.40	25,375.18	.....	25,375.18
Southern Bell Tel. & Tel. Co.	11,121,862.25	3,399,627.71	7,722,234.54	7,499,940.00	222,294.54
West Florida Tel. & Tel. Co.	3,091.00	.....	3,091.00	.....	3,091.00
Winter Park Telephone Co.	9,871.36	7,699.25	2,172.11	.....	2,172.11
Total	\$11,884,183.88	\$ 3,755,446.55	\$ 8,128,737.33	\$ 7,744,940.00	\$ 383,797.33

* Indicates debit item or deficit.

STATISTICS OF TELEPHONE COMPANIES—CALENDAR YEAR 1935
INCOME ACCOUNT—CLASS "C" COMPANIES

NAME OF COMPANY	Total Operating Revenue	Operating Expenses	Taxes	Interest and Miscellaneous Deductions	Net Income
Callahan Telephone Company	\$ 1,345.19	\$ 1,178.80	\$ 43.87	\$ 98.44	\$ 24.08
Clewiston Telephone Company	4,938.14	6,944.80	179.66	720.00	*2,906.32
Cottondale Telephone Company	1,187.00	1,274.94	85.50		*173.44
Hampton Telephone Company	465.35	606.85	5.67	36.00	*183.17
Macleenny Telephone Company	994.52	1,055.80	73.10		*134.38
McIntosh Telephone Company	2,832.71	4,791.32	172.43	206.30	*2,337.34
Malone Telephone Company	326.25	326.25	6.50		*6.50
Molino Telephone Company	401.12	404.45	11.67		*15.00
Orange City Telephone Company	1,591.18	1,715.80	82.97	11.58	*219.17
Riverside Telephone Company	5,446.15	6,896.20	194.20	880.00	*2,524.25
Seymour Telephone Company	315.00	310.00	10.50		*5.50
Starke Telephone Company	4,311.49	4,053.01	225.50	520.00	*487.02
West Putnam Telephone Company	979.92	824.56	24.55		130.81
Total	\$ 25,134.02	\$ 30,382.78	\$ 1,116.12	\$ 2,472.32	\$ *8,837.20

* Indicates deficit.

**STATISTICS OF AUTO TRANSPORTATION COMPANIES
COMPANY OR INDIVIDUAL OPERATING LESS THAN THE FULL
CALENDAR YEAR 1935**

Name of Company or Individual	From	To
BUS OPERATIONS		
Capital Motor Lines	January 1,	September 30,
Rooks Coach Line	August 22,	December 31,
TRUCK OPERATIONS		
(1) Atlanta-Florida Motor Lines, Inc. ...	January 1,	October 31,
1 Coast to Coast System, Inc.	January 1,	October 31,
(1) Great Southern Trucking Co.	November 1,	December 31,
(2) M. & E. Transfer Company	January 1,	July 31,
(2) Marshall Transfer Company	August 1,	December 31,
(3) Ramsey Brothers Truck Line	January 1,	June 30,
(4) Star Truck Line (Partnership)	January 1,	June 10,
(4) Star Truck Line, Inc.	June 11,	December 31,

(1) Atlanta-Florida Motor Lines, Inc., and Coast to Coast System, Inc., consolidated into Great Southern Trucking Company.

(2) M. & E. Transfer Company sold and name changed to Marshall Transfer Co.

(3) Sold to L & L Freight Lines, Inc.

(4) Changed from partnership to corporation.

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1935
GENERAL BALANCE SHEET—ENTIRE LINE

NAME OF COMPANY OR OPERATOR TRUCK OPERATIONS— COMMON CARRIER	ASSETS							
	Plant and Equipment	Investments	Reacquired Securities	Special Deposits	Current Assets	Prepayments	Deferred Charges	Grand Total
A. B. C. Transfer Company, Inc.	\$ 5,968.16	\$	\$	\$	\$ 94.63	\$ 75.00	\$	\$ 6,137.79
Acme Freight Lines, Inc.	38,652.02	.....	.....	.....	9,784.23	1,722.81	.....	50,159.06
Akins, W. L. Transportation Co., Inc.	4,292.80	.....	.....	.....	6,962.62	75.00	.....	11,330.42
Atlanta-Florida Motor Lines, Inc.	23,355.60	.....	.....	85.00	16,404.61	5,921.59	.....	45,766.80
Bee Line Transfer Company	10,492.65	.....	.....	.....	2,912.49	235.25	.....	13,640.39
Brown Motor Freight & Boat Lines, Inc.	15,923.83	27,581.83	.....	.....	4,530.10	725.95	.....	48,761.71
C. & H. Transfer Company	18,678.80	.....	.....	.....	287.19	841.63	.....	19,807.62
Central Truck Lines, Inc.	137,962.39	.....	.....	.....	34,533.63	1,018.05	.....	173,514.07
Chastain Transfer Line	850.00	.....	.....	.....	.....	25.00	.....	875.00
Coast-to-Coast System, Inc.	59,017.63	.....	.....	115.00	11,479.45	5,733.72	.....	76,345.80
Edwards Line	8,322.00	1,000.00	.....	.....	2,617.85	178.64	.....	12,118.49
Elliott-Young Consolidated	25,881.45	.....	7,500.00	60.00	4,046.09	1,482.54	.....	38,470.08
Five Transportation Company	46,522.23	.....	.....	.....	10,448.67	456.54	.....	57,427.44
Fogarty Brothers Transfer, Inc.	26,577.66	4,488.49	.....	.....	3,976.78	1,627.20	.....	36,670.13
Great Southern Trucking Company	95,161.82	.....	.....	200.00	25,178.15	12,469.14	.....	133,009.11
Green Brothers Transfer Company	5,356.96	.....	.....	.....	920.83	552.42	.....	6,830.21
Griffis Truck Line	1,395.75	.....	.....	.....	755.24	154.28	.....	2,305.27
Hartline Line	3,910.00	.....	.....	.....	419.59	117.33	.....	4,446.92
Highway Transportation Company	1,183.87	.....	.....	.....	205.61	102.00	.....	1,491.48
Hunt Truck Line	11,551.28	.....	.....	.....	1,058.54	1,317.65	.....	13,927.47
Independent Transfer Company	7,633.50	.....	.....	.....	1,740.11	326.02	.....	9,699.63

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1935
GENERAL BALANCE SHEET—ENTIRE LINE—(Continued)

NAME OF COMPANY OR OPERATOR TRUCK OPERATIONS— COMMON CARRIER	ASSETS							
	Plant and Equipment	Investments	Reacquired Securities	Special Deposits	Current Assets	Prepayments	Deferred Charges	Grand Total
Jacksonville Beach Truck Line	905.00					141.00		1,046.00
K. & L. Transportation Company, Inc.	41,303.20			1,060.00	*681.94	2,135.70		43,816.96
L. & L. Freight Lines, Inc.	74,399.90				41,357.35	5,243.49		121,000.74
Leigh Truck Line	893.30					198.27		1,091.57
M. & E. Transfer Company	5,310.00				210.85	75.00		5,595.85
Marshall Transfer Company	4,258.00				398.61	120.00		4,776.61
Mathews Truck Line	3,611.50				1,000.00	414.75		5,026.25
Overseas Transportation Company, Inc. ...	6,102.58				100.00			6,202.58
Peters Truck Line	807.50				4,789.13	110.00		5,706.63
Pittman Truck Line	4,055.32			150.00	388.77	75.00		4,669.09
Ramsey Brothers Truck Line	2,704.10				285.14	214.00		3,203.24
St. Johns River Line Company	31,047.61	209,698.44			58,152.11	2,761.96	6,131.00	307,791.72
Star Truck Line (partnership)	28,321.39			43.75	3,637.37	1,895.78		33,898.29
Star Truck Line, Inc.	28,203.89			43.75	991.68	1,051.56		30,290.88
Tamlami Trail Tours, Inc.	236,826.30			155.00	28,217.76	2,782.50	11,264.88	279,246.44
Tarpon Truck Line	1,378.00	4,500.00			5,712.26	238.05		11,828.31
Union Express Freight Company	10,457.94			75.00	252.49	307.00		11,092.43
University City Transfer Company, Inc. ...	17,784.58	1,000.00			5,418.07	422.94		24,625.59
Total Truck Operations— Common Carrier	\$ 1,046,560.51	\$ 248,268.76	\$ 7,500.00	\$ 1,987.50	\$288,586.06	\$ 53,344.76	\$ 17,396.48	\$ 1,663,644.07

* Indicates credit item.

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1935
GENERAL BALANCE SHEET—ENTIRE LINE

NAME OF COMPANY OR OPERATOR BUS OPERATIONS	ASSETS							
	Plant and Equipment	Investments	Reacquired Securities	Special Deposits	Current Assets	Prepayments	Deferred Charges	Grand Total
Atlantic Greyhound Lines	\$ 3,469,768.99	\$ 197,340.17	\$ 74,000.00	\$ 2,515.00	\$ 824,763.99	\$ 54,956.86	\$	\$ 4,623,345.01
Bainbridge-Columbus Motor Lines	2,200.00	1,000.00	.....	.....	4,900.00	.....	.....	8,100.00
Capital Motor Lines	134,473.64	.....	.....	1,055.00	33,468.44	3,233.37	.....	172,230.45
Coleman Motor Lines	34,500.00	.....	.....	.....	1,458.46	.....	.....	35,958.46
East Coast Stages, Inc.	618,060.99	.....	.....	575.00	68,216.57	8,772.20	.....	695,624.76
Florida Motor Lines, Inc.	1,748,867.99	45,801.00	.....	515.00	111,916.85	33,121.77	3,264.03	1,943,486.64
Glades "K" Motor Line	2,131.20	.....	.....	.....	189.92	153.16	.....	2,474.28
Green's Taxi and Baggage Transfer	1,700.00	.....	.....	.....	75.00	75.00	.....	1,775.00
Gulf Coast Motor Line, Inc.	4,000.00	.....	.....	.....	3,009.68	75.00	.....	7,084.68
Gulf Crescent Motor Lines, Inc.	9,040.04	.....	.....	.....	2,512.81	129.53	.....	11,682.38
Lee Coach Line	17,063.00	.....	.....	.....	622.00	630.87	.....	17,685.00
McJunkin, Wayne F.	9,044.80	.....	.....	.....	23.67	75.00	.....	9,699.34
Pass-a-Grille Beach Bus Line	4,196.65	.....	.....	.....	.....	131.27	70.00	4,271.65
Rooks Coach Line	813.00	.....	.....	.....	2,768.80	1,547.62	109.60	32,322.55
St. Andrews Bay Transportation Co.	27,896.53	.....	.....	.....	196,575.72	110.07	3,187.43	580,506.87
Southeastern Greyhound Lines, Inc.	378,899.65	1,506.00	.....	228.00	1,645.23	1,571.50	.....	28,230.97
Southern Tours, Inc.	24,929.24	.....	.....	85.00	.....	93.75	.....	913.71
Tallahassee-Monticello Bus Line	819.96	.....	.....	.....	161,636.05	20,405.78	4,518.43	1,472,112.18
Teche Lines, Inc.	1,275,902.67	2,250.00	.....	7,399.25	375,375.13	725.17	16,996.31	976,351.64
Union Bus Company	539,707.38	43,272.65	.....	275.00	.....	.....	.....	.....
Total Bus Operations—								
Common Carrier	\$ 8,304,015.73	\$ 291,169.82	\$ 74,000.00	\$ 12,647.25	\$ 1,788,461.32	\$ 126,429.92	\$ 28,145.80	\$10,624,869.84

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1935
GENERAL BALANCE SHEET—ENTIRE LINE

NAME OF COMPANY OR OPERATOR TRUCK OPERATIONS— COMMON CARRIER	LIABILITIES								
	Corporate Capital Liabilities	Non-corporate Proprietorship	Funded Debt	Current Liabilities	Accrued Liabilities	Deferred Credits	Reserve Accounts	Corporate Surplus	Grand Total
A. B. C. Transfer Co., Inc.	\$ 8,700.00	\$	\$	\$ 874.95	\$ 16.28	\$	\$ 5,124.55	\$ *8,577.99	\$ 6,137.79
Acme Freight Lines, Inc.	14,985.00	.....	1,715.02	16,977.06	212.58	217.51	16,180.14	*128.25	50,159.06
Akins, W. L. Trans. Co., Inc.	5,000.00	.....	.....	1,523.10	.....	.....	4,618.67	188.65	11,330.42
Atlanta-Fla. Motor Lines., Inc.	2,100.00	.....	.....	25,216.60	88.33	.....	8,981.33	9,380.54	45,766.80
Bee Line Transfer Co. ....	.....	6,364.77	.....	284.88	.....	.....	6,990.74	.....	13,640.39
Brown Mtr. Frt. & Bt. Lines, Inc.	17,978.28	.....	6,073.00	10,662.33	82.81	.....	20,648.97	*6,683.68	48,761.71
C. & H. Transfer Co. ....	.....	6,417.42	.....	12,071.00	22.47	.....	1,296.73	.....	19,807.62
Central Truck Lines, Inc.	81,000.00	.....	.....	20,883.42	1,319.88	.....	66,366.62	3,944.15	173,514.07
Chastain Transfer Line .....	.....	588.56	.....	.....	1.44	.....	285.00	.....	875.00
Coast-to-Coast System, Inc.	4,488.50	.....	1,770.79	39,783.78	2,675.78	.....	13,943.95	13,683.00	76,345.80
Edwards Line .....	.....	3,109.03	.....	2,182.74	.....	.....	6,826.72	.....	12,118.49
Elliott-Young Consolidated	15,000.00	.....	31.00	10,196.47	620.04	32.81	10,778.03	1,811.73	38,470.08
Five Transportation Company .....	.....	16,972.94	1,950.00	7,536.82	.....	.....	30,967.68	.....	57,427.44
Fogerty Brothers Transfer, Inc.	6,000.00	.....	563.95	12,250.17	130.92	.....	14,550.80	3,174.29	36,670.13
Great Southern Trucking Co.	8,588.50	.....	.....	69,985.60	3,289.35	.....	25,433.39	25,712.27	133,009.11
Green Bros. Transfer Co. ....	.....	2,529.48	1,799.25	100.00	.....	.....	2,401.48	.....	6,830.21
Griffis Truck Line .....	.....	1,078.76	.....	90.00	130.70	.....	1,005.81	.....	2,305.27
Hartline Line .....	.....	1,473.65	.....	632.46	37.59	.....	2,303.22	.....	4,446.92
Highway Transportation Co.	1,500.00	.....	60.12	400.00	.....	.....	180.00	*648.64	1,491.48
Hunt Truck Line .....	.....	4,304.96	320.00	3,670.74	466.27	.....	5,165.50	.....	13,927.47
Independent Transfer Co. ....	.....	1,666.12	.....	1,826.70	178.32	.....	6,028.49	.....	9,699.63
Jacksonville Beach Truck Line .....	.....	180.32	.....	.....	6.00	.....	859.68	.....	1,046.00
K. & L. Trans. Co., Inc.	5,000.00	.....	.....	24,680.58	.....	.....	13,147.97	988.41	43,816.96
L. & L. Freight Lines, Inc.	20,000.00	.....	26,131.53	52,945.48	.....	.....	13,061.43	8,862.80	121,000.74

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1935
GENERAL BALANCE SHEET—ENTIRE LINE

NAME OF COMPANY OR OPERATOR BUS OPERATIONS	LIABILITIES								
	Corporate Capital Liabilities	Non-corporate Proprietorship	Funded Debt	Current Liabilities	Accrued Liabilities	Deferred Credits	Reserve Accounts	Corporate Surplus	Grand Total
Leigh Truck Line		684.06		197.09			210.42		1,091.57
M. & E. Transfer Co.		567.15			8.70		5,020.00		5,595.85
Marshall Transfer Company		3,150.65		280.00	9.66		1,336.30		4,776.61
Mathews Truck Line		1,756.25		804.00			2,466.00		5,026.25
Overseas Trans. Co., Inc.	1,000.00			2,500.00			3,044.97	*342.39	6,202.58
Peters Truck Line		5,521.46		42.67			142.50		5,706.63
Pittman Truck Line		558.34		500.00	44.83		3,565.92		4,669.09
Ramsey Brothers Truck Line		721.41		1,304.05	34.40		1,143.38		3,203.24
St. Johns River Line Co.	74,817.08		34,750.60	39,007.12	7,920.67		68,676.37	82,619.88	307,791.72
Star Truck Line (partnership) ..		2,755.89	2,082.61	13,469.90	254.22		15,335.67		33,898.29
Star Truck Line, Inc.	2,755.89		1,042.45	9,501.84	334.27		17,331.53	*675.10	30,290.88
Tamiami Trail Tours, Inc.	13,000.00		699,219.99	50,908.65	1,469.82	2,349.24	155,638.50	*643,339.76	279,246.44
Tarpon Truck Line		11,178.45	596.55				53.31		11,828.31
Union Express Freight Co.	17,075.00		1,424.00	5,865.80	105.00		848.77	*14,226.14	11,092.43
University City Transfer Co., Inc.	7,000.00			1,009.54	248.00		12,599.84	3,768.21	24,625.59
Total Truck Operations— Common Carrier	\$ 305,988.25	\$ 71,579.67	\$ 779,530.86	\$ 440,165.54	\$ 19,708.33	\$ 2,599.56	\$ 564,560.38	*520,488.52	\$ 1,663,644.07

* Indicates debit item, or deficit.

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1935
GENERAL BALANCE SHEET—ENTIRE LINE

NAME OF COMPANY OR OPERATOR BUS OPERATIONS	LIABILITIES								
	Corporate Capital Liabilities	Non-corporate Proprietorship	Funded Debt	Current Liabilities	Accrued Liabilities	Deferred Credits	Reserve Accounts	Corporate Surplus	Grand Total
Atlantic Greyhound Lines	\$ 1,618,418.61	\$	\$	\$1,036,436.96	\$ 148,944.97	\$ 10,000.00	\$1,122,430.01	\$ 687,114.46	\$ 4,623,345.01
Bainbridge-Columbus Mtr. Lines .....	.....	6,535.00	.....	1,080.00	110.00	.....	375.00	.....	8,100.00
Capital Motor Lines	55,000.00	.....	1,120.00	48,523.65	1,256.90	.....	59,583.78	6,746.12	172,230.45
Coleman Motor Lines .....	.....	19,532.21	6,400.00	3,956.81	77.19	.....	5,992.25	.....	35,958.46
East Coast Stages, Inc.	267,550.00	.....	222,500.00	.....	10,159.49	.....	186,947.03	8,468.24	695,624.76
Florida Motor Lines, Inc.	223,100.00	.....	1,487,000.00	406,041.51	16,339.72	5,077.65	347,485.08	*541,557.32	1,943,486.64
Glades "K" Motor Line .....	.....	*397.62	.....	1,598.71	.....	.....	1,273.19	.....	2,474.28
Green's Taxi and Baggage Trans. ....	.....	105.50	.....	.....	.....	.....	1,669.50	.....	1,775.00
Gulf Coast Motor Line, Inc.	500.00	.....	.....	.....	.....	.....	.....	6,584.68	7,084.68
Gulf Crescent Motor Lines, Inc.	3,000.00	.....	13,915.21	2,334.63	.....	.....	765.85	*8,333.31	11,682.38
Lee Coach Line .....	.....	808.95	3,894.00	348.43	95.45	.....	12,538.17	.....	17,685.00
McJunkin, Wayne F. ....	.....	3,479.55	.....	2,797.09	33.47	.....	3,389.23	.....	9,699.34
Pass-a-Grille Beach Bus Line ....	.....	.....	.....	1,955.11	.....	.....	1,649.58	666.96	4,271.65
Rooks Coach Line .....	.....	350.84	504.00	46.08	15.35	.....	98.00	.....	1,014.27
St. Andrews Bay Trans. Co.	11,500.00	.....	9,559.97	579.82	650.00	940.17	10,760.72	*1,668.13	32,322.55
Southeast'n Greyhound Lines, Inc.	330,711.84	.....	85,783.79	113,793.44	13,343.13	1.00	36,850.53	23.14	580,506.87
Southern Tours, Inc.	2,400.00	.....	.....	34,221.56	.....	.....	22,403.52	*30,794.11	28,230.97
Tallahassee-Monticello Bus Line .....	.....	467.64	.....	114.00	109.69	.....	222.38	.....	913.71
Teche Lines, Inc.	178,995.00	.....	250,000.00	110,103.71	66,602.05	4,950.00	496,930.46	364,530.96	1,472,112.18
Union Bus Company	225,000.00	.....	178,376.47	76,702.03	13,575.42	306,411.72	167,669.97	8,616.03	976,351.64
Total Bus Operations—	.....	.....	.....	.....	.....	.....	.....	.....	.....
Common Carrier	\$ 2,916,175.45	\$ 30,882.07	\$ 2,259,053.44	\$1,840,633.54	\$ 271,312.83	\$ 327,380.54	\$2,479,034.25	\$ 500,397.72	\$10,624,869.84

* Indicates debit item.

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1935
PROFIT AND LOSS ACCOUNT—ENTIRE LINE

NAME OF COMPANY OR OPERATOR TRUCK OPERATIONS— COMMON CARRIER	Balance at Beginning of Period	Transferred From Income Account	Miscellaneous Credits	Miscellaneous Debits to P. & L. Account	Balance at Close of Period
A. B. C. Transfer Company, Inc.	\$ *2,865.09	\$ *372.02	\$	\$ 5,340.88	\$ *8,577.99
Acme Freight Lines, Inc.	*48.72	*79.53	.....	.....	*128.25
Akins, W. L. Transportation Co., Inc. ...	60.86	127.79	.....	.....	188.65
Atlanta-Florida Motor Lines, Inc.	8,682.44	698.10	.....	.....	9,380.54
Bee Line Transfer Company .....	.....	4,861.36	.....	4,861.36	.....
Brown Motor Freight & Boat Lines, Inc.	*4,264.71	*3,418.97	1,000.00	.....	*6,683.68
C. & H. Transfer Company .....	.....	1,590.98	.....	1,590.98	.....
Centraj Truck Lines, Inc.	18,770.75	8,122.22	.....	22,948.82	3,944.15
Chastain Transfer Line .....	.....	23.56	.....	23.56	.....
Coast-to-Coast System, Inc.	3,881.21	9,479.65	970.00	647.86	13,683.00
Edwards Line .....	.....	*393.27	.....	*393.27	.....
Elliott-Young Consolidated	656.30	928.04	227.39	.....	1,811.73
Five Transportation Company .....	.....	7,814.58	725.00	8,539.58	.....
Fogarty Brothers Transfer, Inc.	3,137.59	36.70	.....	.....	3,174.29
Great Southern Trucking Company	23,063.54	2,648.73	.....	.....	25,712.27
Green Brothers Transfer Company .....	.....	5,097.06	.....	5,097.06	.....
Griffis Truck Line .....	.....	*347.43	.....	*347.43	.....
Hartline Line .....	.....	*531.64	.....	*531.64	.....
Highway Transportation Company	*1,085.66	437.02	.....	.....	*648.64
Hunt Truck Line .....	.....	*1,956.96	235.62	*1,721.34	.....
Independent Transfer Company .....	.....	612.44	.....	.....	.....
Jacksonville Beach Truck Line .....	.....	946.30	.....	946.30	.....
K. & L. Transportation Co., Inc.	467.65	2,037.81	11.22	1,528.27	988.41
L. & L. Freight Lines, Inc.	6,673.98	2,406.33	.....	218.01	8,862.30
Leigh Truck Line .....	.....	1,004.38	.....	1,004.38	.....
M. & E. Transfer Company .....	.....	801.91	.....	801.91	.....
Marshall Transfer Company .....	.....	413.87	.....	413.87	.....

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1935
PROFIT AND LOSS ACCOUNT—ENTIRE LINE

NAME OF COMPANY OR OPERATOR TRUCK OPERATIONS— COMMON CARRIER	Balance at Beginning of Period	Transferred From Income Account	Miscellaneous Credits	Miscellaneous Debits to P. & L. Account	Balance at Close of Period
Mathews Truck Line		3,583.38		3,583.38	
Overseas Transportation Co., Inc.	979.91	*1,687.31	968.97	603.96	*342.39
Peters Truck Line		3,217.84		3,217.84	
Pittman Truck Line		947.89		947.89	
Ramsey Brothers Truck Line		*261.65		*261.65	
St. Johns River Line Company	40,160.55	15,576.84	35,093.69	8,211.20	82,619.88
Star Truck Line (partnership)		*3,733.99		*3,733.99	
Star Truck Line, Inc.		*675.10			*675.10
Tamiami Trail Tours, Inc.	*636,321.53	*7,018.23			*643,339.76
Tarpon Truck Line		374.86		374.86	
Union Express Freight Company	*16,424.15	2,214.03	1,197.53	1,213.55	*14,226.14
University City Transfer Co., Inc.	3,785.89	*17.68			3,768.21
Total Truck Operations—					
Common Carrier	\$ *550,689.19	\$ 55,509.89	\$ 40,429.42	\$ 65,738.64	\$ *520,488.52

* Indicates debit item, or deficit.

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1935
PROFIT AND LOSS ACCOUNT—ENTIRE LINE

NAME OF COMPANY OR OPERATOR BUS OPERATIONS	Balance at Beginning of Period	Transferred From Income Account	Miscellaneous Credits	Miscellaneous Debits to P. & L. Account	Balance at Close of Period
Atlantic Greyhound Lines	\$ 554,873.04	\$ 674,414.49	\$ 4,386.69	\$ 610,272.00	\$ 623,402.22
Bainbridge-Columbus Motor Lines		1,771.63		1,771.63	
Capital Motor Lines	4,157.80	3,185.19		596.87	6,746.12
Coleman Motor Lines		1,831.34	1,758.75	3,590.09	
East Coast Stages, Inc.	*8,713.44	16,531.68	650.00		8,468.24
Florida Motor Lines, Inc.	*640,417.18	98,859.86			*541,557.32
Glades "K" Motor Line		*820.78		*820.78	
Green's Taxi and Baggage Transfer		*745.06		*745.06	
Gulf Coast Motor Line, Inc.	5,447.05	1,137.63			6,584.68
Gulf Crescent Motor Lines, Inc.	*2,925.00	*5,031.06	210.24	587.49	*8,333.31
Lee Coach Line		2,141.62		2,141.62	
McJunkin, Wayne F.		905.04		905.04	
Pass-a-Grille Beach Bus Line	2,072.10	*1,405.14			666.96
Rooks Coach Line		*85.22		*85.22	
St. Andrews Bay Transportation Co.	*6,234.78	4,503.13	63.52		*1,668.13
Southeastern Greyhound Lines, Inc.	34,861.29	40,161.85		75,000.00	23.14
Southern Tours, Inc.	*30,588.55	*2,331.56			*32,920.11
Tallahassee-Monticello Bus Line		424.51		424.51	
Teche Lines, Inc.	317,549.10	236,561.86	2,694.83	192,274.83	364,530.96
Union Bus Company	25,491.91	41,154.95	120,013.31	178,044.14	8,616.03
Total Bus Operations—					
Common Carrier	\$ 255,573.34	\$ 1,113,165.96	\$ 129,777.34	\$ 1,063,957.16	\$ 434,559.48

* Indicates debit item.

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1935
INCOME ACCOUNT—ENTIRE LINE

NAME OF COMPANY OR OPERATOR TRUCK OPERATIONS— COMMON CARRIER	Auto Operating Revenues	Auto Operating Expenses	Net Revenue From Auto Operations	Net Revenue Affiliated or Auxiliary Operations	Net Operating Revenue	Auto Tax Accruals	Non- operating Income	Income Deductions	Net Balance Carried to P. & L. Account
A. B. C. Transfer Company, Inc.	\$ 5,289.31	\$ 4,747.64	\$ 541.67	\$	\$ 541.67	\$ 913.69	\$	\$	\$ *372.02
Acme Freight Lines, Inc.	159,800.74	129,155.03	30,645.71	.....	30,645.71	27,768.97	.....	2,956.27	*79.53
Akins, W. L. Trans. Company, Inc. ....	.....	871.20	*871.20	.....	*871.20	.....	1,200.00	201.01	127.79
Atlanta-Florida Motor Lines, Inc.	90,203.32	73,097.40	17,105.92	.....	17,105.92	16,136.05	.....	271.77	698.10
Bee Line Transfer Company	21,240.39	14,289.80	6,950.59	.....	6,950.59	2,089.23	.....	.....	4,861.36
Brown Motor Freight & Boat Lines, Inc.	17,101.65	20,064.46	*2,962.81	.....	*2,962.81	3,763.40	4,413.14	1,105.90	*3,418.97
C. & H. Transfer Company	6,785.66	4,838.01	1,947.65	423.15	2,370.80	779.82	.....	.....	1,590.98
Central Truck Lines, Inc.	354,576.21	291,987.21	62,589.00	.....	62,589.00	53,389.04	.....	1,077.74	8,122.22
Chastain Transfer Line	1,494.10	1,324.68	169.42	104.61	274.03	250.47	.....	.....	23.56
Coast-to-Coast System, Inc.	163,925.72	133,078.47	30,847.25	.....	30,847.25	20,859.85	.....	507.75	9,479.65
Edwards Line	19,217.34	16,717.23	2,500.11	.....	2,500.11	2,856.41	.....	36.97	*393.27
Elliott-Young Consolidated	53,108.50	45,105.01	8,003.49	178.99	8,182.48	6,936.61	.....	317.83	928.04
Five Transportation Company	70,270.96	52,060.58	18,210.38	.....	18,210.38	7,349.93	.....	3,045.87	7,814.58
Fogarty Brothers Transfer, Inc.	51,278.51	44,570.37	6,708.14	.....	6,708.14	6,442.80	250.54	479.18	36.70
Great Southern Truck Company	74,368.77	59,924.11	14,444.66	.....	14,444.66	11,559.24	.....	236.69	2,648.73
Green Brothers Transfer Company	14,207.88	8,515.05	5,692.83	1,017.12	6,709.95	1,498.29	.....	114.60	5,097.06
Griffis Truck Line	3,386.24	2,813.13	573.11	.....	573.11	920.54	.....	.....	*347.43
Hartline Line	6,579.20	5,800.98	778.22	.....	778.22	1,309.86	.....	.....	*531.64
Highway Transportation Company	1,506.34	590.32	916.02	.....	916.02	479.00	.....	.....	437.02
Hunt Truck Line	24,760.90	21,900.23	2,860.67	.....	2,860.67	4,656.68	.....	160.95	*1,956.96
Independent Transfer Company	27,870.73	22,989.74	4,880.99	.....	4,880.99	3,148.85	.....	1,119.70	612.44
Jacksonville Beach Truck Line	2,929.17	1,629.49	1,299.68	.....	1,299.68	353.38	.....	.....	946.30
K. & L. Transportation Company, Inc. ..	116,527.02	96,546.39	19,980.63	.....	19,980.63	15,290.39	.....	2,652.43	2,037.81
L. & L. Freight Lines, Inc.	269,818.28	222,796.27	47,022.01	.....	47,022.01	42,312.74	.....	2,302.94	2,406.33
Leigh Truck Line	2,725.43	1,156.50	1,568.93	.....	1,568.93	418.39	.....	146.16	1,004.38

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1935
INCOME ACCOUNT—ENTIRE LINE

NAME OF COMPANY OR OPERATOR TRUCK OPERATIONS— COMMON CARRIER	Auto Operating Revenues	Auto Operating Expenses	Net Revenue From Auto Operations	Net Revenue Affiliated or Auxiliary Operations	Net Operating Revenue	Auto Tax Accruals	Non- operating Income	Income Deductions	Net Balance Carried to P. & L. Account
M. & E. Transfer Company	1,192.55	863.50	329.05	634.82	963.87	161.96			801.91
Marshall Transfer Company	1,022.14	689.51	332.63	224.56	557.19	143.32			413.87
Mathews Truck Line	6,879.85	2,772.45	4,107.40		4,107.40	617.52	93.50		3,583.38
Overseas Transportation Co., Inc.	19,183.64	19,016.37	167.27		167.27	1,854.58			*1,687.31
Peters Truck Line	11,267.80	7,000.66	4,267.14		4,267.14	1,049.30			3,217.84
Pittman Truck Line	8,177.78	5,615.51	2,562.27		2,562.27	1,614.38			947.89
Ramsey Brothers Truck Line	3,609.52	3,280.03	329.49		329.49	543.96		47.18	*261.65
St. Johns River Line Company	101,282.06	88,609.98	12,672.08		12,672.08	11,196.76	22,995.10	8,893.58	15,576.84
Star Truck Line (partnership)	35,734.09	33,951.46	1,782.63		1,782.63	4,520.75		995.87	*3,733.99
Star Truck Line, Inc.	33,300.21	28,599.07	4,701.14		4,701.14	4,639.10		737.14	*675.10
Tamiami Trail Tours, Inc.	179,009.15	148,809.42	30,199.73		30,199.73	30,250.46		6,967.50	*7,018.23
Tarpon Truck Line	5,610.00	4,746.62	863.38		863.38	488.52			374.86
Union Express Freight Company	23,002.65	17,375.65	5,627.00		5,627.00	2,071.73		1,341.24	2,214.03
University City Transfer Co., Inc.	43,289.70	35,774.60	7,515.10		7,515.10	6,712.37		820.41	*17.68
Total Truck Operations—									
Common Carrier	\$2,031,533.51	\$1,673,674.13	\$ 357,859.38	\$ 2,583.25	\$ 360,442.63	\$ 297,348.34	\$ 28,952.28	\$ 36,536.68	\$ 55,509.89

* Indicates debit item or deficit.

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1935
INCOME ACCOUNT—ENTIRE LINE

NAME OF COMPANY OR OPERATOR BUS OPERATIONS	Auto Operating Revenues	Auto Operating Expenses	Net Revenue From Auto Operations	Net Revenue Affiliated or Auxiliary Operations	Net Operating Revenue	Auto Tax Accruals	Non- operating Income	Income Deductions	Net Balance Carried to P. & L. Account
Atlantic Greyhound Lines	\$3,431,078.40	\$2,278,332.53	\$1,152,745.87	\$.....	\$1,152,745.87	\$ 485,526.58	\$ 45,814.82	\$ 38,619.62	\$ 674,414.49
Bainbridge-Columbus Motor Lines	8,321.91	5,835.87	2,486.04	.....	2,486.04	604.41	.....	110.00	1,771.63
Capital Motor Lines	134,777.98	110,504.28	24,273.70	.....	24,273.70	20,687.11	.....	401.40	3,185.19
Coleman Motor Lines	39,319.73	31,778.00	7,541.73	.....	7,541.73	5,630.20	.....	80.19	1,831.34
East Coast Stages, Inc.	513,346.66	406,668.71	106,677.95	.....	106,677.95	75,174.48	1,148.01	16,119.80	16,531.68
Florida Motor Lines, Inc.	1,173,765.29	812,931.79	360,833.50	.....	360,833.50	169,840.33	724.11	92,857.42	98,859.86
Glades "K" Motor Line	16,143.26	14,172.25	1,971.01	.....	1,971.01	2,617.35	.....	174.44	*820.78
Green's Taxi and Baggage Transfer	1,657.98	1,802.09	*144.11	.....	*144.11	600.95	.....	.....	*745.06
Gulf Coast Motor Line, Inc.	9,563.38	6,893.05	2,670.33	.....	2,670.33	1,532.70	.....	.....	1,137.63
Gulf Crescent Motor Lines, Inc.	16,827.81	17,387.29	*559.48	.....	*559.48	4,418.40	.....	53.18	*5,031.06
Lee Coach Line	12,303.90	8,183.53	4,120.37	.....	4,120.37	1,920.06	.....	58.69	2,141.62
McJunkin, Wayne F.	17,267.11	13,363.13	3,903.98	.....	3,903.98	2,692.18	.....	306.76	905.04
Pass-a-Grille Beach Bus Line	5,169.25	5,568.94	*399.69	.....	*399.69	1,005.45	.....	.....	*1,405.14
Rooks Coach Line	578.68	479.56	99.12	.....	99.12	168.24	.....	16.10	*85.22
St. Andrews Bay Transportation Co.	42,445.83	29,864.81	12,581.02	.....	12,581.02	10,115.59	2,100.00	62.30	4,503.13
Southeastern Greyhound Lines, Inc.	368,480.33	260,897.78	107,582.55	.....	107,582.55	62,795.33	.....	4,625.37	40,161.85
Southern Tours, Inc.	13,314.96	14,172.32	*857.36	.....	*857.36	1,474.20	.....	.....	*2,331.56
Tallahassee-Monticello Bus Line	3,245.75	2,318.44	927.31	.....	927.31	423.24	.....	79.56	424.51
Teche Lines, Inc.	1,323,759.26	866,319.86	457,439.40	.....	457,439.40	214,095.68	96.38	6,878.24	236,561.86
Union Bus Company	734,446.43	573,678.17	160,768.26	.....	160,768.26	110,979.91	8,013.43	16,646.83	41,154.95
Total Bus Operations—									
Common Carrier	\$7,865,813.90	\$5,461,152.40	\$2,404,661.50	.....	\$2,404,661.50	\$1,172,302.39	\$ 57,896.75	\$ 177,089.90	\$1,113,165.96

* Indicates debit item.

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1935
OPERATING REVENUES—ENTIRE LINE

NAME OF COMPANY OR OPERATOR TRUCK OPERATIONS— COMMON CARRIER	Passenger Revenue	Baggage Revenue	Special (chartered or for hire) Bus Revenue	U. S. Mail (on buses)	Express Revenue	Freight Revenue	Total Revenue From Trans- portation	Miscellaneous Operating Revenue	Total Revenue
A. B. C. Transfer Company, Inc.	\$	\$	\$	\$	\$	5,289.31	5,289.31		5,289.31
Acme Freight Lines, Inc.						159,218.52	159,218.52	582.22	159,800.74
Akins, W. L. Transportation Co., Inc.									
Atlanta-Florida Motor Lines, Inc.						90,019.42	90,019.42	183.90	90,203.32
Bee Line Transfer Company						21,027.59	21,027.59	212.80	21,240.39
Brown Motor Freight & Boat Lines, Inc.						17,101.65	17,101.65		17,101.65
C. & H. Transfer Company						6,505.46	6,505.46	280.20	6,785.66
Central Truck Lines, Inc.						351,202.94	351,202.94	3,373.27	354,576.21
Chastain Transfer Line						1,494.10	1,494.10		1,494.10
Coast-to-Coast System, Inc.						162,139.26	162,139.26	1,786.46	163,925.72
Edwards Line						18,799.39	18,799.39	417.95	19,217.34
Elliott-Young Consolidated						51,922.17	51,922.17	1,186.33	53,108.50
Five Transportation Company						70,270.96	70,270.96		70,270.96
Fogerty Brothers Transfer, Inc.						51,278.51	51,278.51		51,278.51
Great Southern Trucking Company						73,827.00	73,827.00	541.77	74,368.77
Green Brothers Transfer Company						14,207.88	14,207.88		14,207.88
Griffis Truck Line						3,372.39	3,372.39	13.85	3,386.24
Hartline Line						6,474.25	6,474.25	104.95	6,579.20
Highway Transportation Company						1,506.34	1,506.34		1,506.34
Hunt Truck Line						24,169.70	24,169.70	591.20	24,760.90
Independent Transfer Company						27,870.73	27,870.73		27,870.73
Jacksonville Beach Truck Line						2,929.17	2,929.17		2,929.17
K. & L. Transportation Company, Inc.						115,658.29	115,658.29	868.73	116,527.02
L. & L. Freight Lines, Inc.						267,644.30	267,644.30	2,173.98	269,818.28
Lelgh Truck Line						2,725.43	2,725.43		2,725.43
M. & E. Transfer Company						1,147.40	1,147.40	45.15	1,192.55
Marshall Transfer Company						1,017.39	1,017.39	4.75	1,022.14

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1935
OPERATING REVENUES—ENTIRE LINE

NAME OF COMPANY OR OPERATOR TRUCK OPERATIONS— COMMON CARRIER	Passenger Revenue	Baggage Revenue	Special (chartered or for hire) Bus Revenue	U. S. Mail (on buses)	Express Revenue	Freight Revenue	Total Revenue From Trans- portation	Miscellaneous Operating Revenue	Total Revenue
Mathews Truck Line						6,879.85	6,879.85		6,879.85
Overseas Transportation Company, Inc.						18,945.44	18,945.44	238.20	19,183.64
Peters Truck Line						10,921.25	10,921.25	346.55	11,267.80
Pittman Truck Line						8,077.78	8,077.78	100.00	8,177.78
Ramsey Brothers Truck Line						3,609.52	3,609.52		3,609.52
St. Johns River Line Company						100,596.74	100,596.74	685.32	101,282.06
Star Truck Line (partnership)						35,101.25	35,101.25	632.84	35,734.09
Star Truck Line, Inc.						32,733.33	32,733.33	566.88	33,300.21
Tamiami Trail Tours, Inc.	21,735.37		395.35		1,054.18	142,956.47	166,141.37	12,867.78	179,009.15
Tarpon Truck Line						5,610.00	5,610.00		5,610.00
Union Express Freight Company						22,802.65	22,802.65	200.00	23,002.65
University City Transfer Co., Inc.	111.80			610.40		42,134.95	42,857.15	432.55	43,289.70
Total Truck Operations—									
Common Carrier	\$ 21,847.17	\$	\$ 395.35	\$ 610.40	\$ 1,054.18	\$1,979,188.78	\$2,003,095.88	\$ 28,437.63	\$2,031,533.51

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1935
OPERATING REVENUES—ENTIRE LINE

NAME OF COMPANY OR OPERATOR BUS OPERATIONS	Passenger Revenue	Baggage Revenue	Special (chartered or for hire) Bus Revenue	U. S. Mail (on buses)	Express Revenue	Freight Revenue	Total Revenue From Trans- portation	Miscellaneous Operating Revenue	Total Revenue
Atlantic Greyhound Lines	\$3,214,609.32	\$ 30,148.50	\$ 41,990.98	\$ 1,888.89	\$ 13,012.20	\$	\$3,301,649.89	\$ 129,428.51	\$3,431,078.40
Bainbridge-Columbus Motor Lines	7,959.66	.....	.....	.....	362.25	.....	8,321.91	.....	8,321.91
Capital Motor Lines	130,548.65	.....	503.74	.....	3,725.59	.....	134,777.98	.....	134,777.98
Coleman Motor Lines	36,229.31	29.80	.....	2,055.92	1,004.70	.....	39,319.73	.....	39,319.73
East Coast Stages, Inc.	496,532.72	5,091.25	3,465.95	549.05	.....	.....	505,638.97	7,707.69	513,346.66
Florida Motor Lines, Inc.	1,039,178.05	.....	42,009.00	.....	54,218.67	.....	1,135,405.72	38,359.57	1,173,765.29
Glades "K" Motor Line	12,690.81	1.50	.....	.....	3,216.06	.....	15,908.37	234.89	16,143.26
Green's Taxi and Baggage Transfer	597.50	351.00	217.00	.....	.....	492.48	1,657.98	.....	1,657.98
Gulf Coast Motor Line, Inc.	7,950.99	.....	.....	.....	1,612.39	.....	9,563.38	.....	9,563.38
Gulf Crescent Motor Lines, Inc.	15,509.81	201.30	.....	.....	901.76	.....	16,612.87	214.94	16,827.81
Lee Coach Line	7,835.01	.....	.....	3,320.00	1,148.89	.....	12,303.90	.....	12,303.90
McJunkin, Wayne F.	9,723.20	.....	.....	.....	.....	7,543.91	17,267.11	.....	17,267.11
Pass-a-Grille Beach Bus Line	5,169.25	.....	.....	.....	.....	.....	5,169.25	.....	5,169.25
Rooks Coach Line	484.07	.....	.....	.....	94.61	.....	578.68	.....	578.68
St. Andrews Bay Transportation Co.	26,192.16	.....	.....	6,229.01	2,741.53	7,260.69	42,423.39	22.44	42,445.83
Southeastern Greyhound Lines, Inc.	353,020.89	62.29	5,751.91	.....	9,300.27	.....	368,135.36	344.97	368,480.33
Southern Tours, Inc.	13,314.96	.....	.....	.....	.....	.....	13,314.96	.....	13,314.96
Tallahassee-Monticello Bus Line	2,422.50	43.25	.....	780.00	.....	.....	3,245.75	.....	3,245.75
Teche Lines, Inc.	1,250,852.65	1,290.42	22,290.26	3,456.44	45,869.49	.....	1,323,759.26	.....	1,323,759.26
Union Bus Company	696,823.50	186.01	10,566.45	.....	25,151.78	.....	732,727.74	1,718.69	734,446.43
Total Bus Operations—									
Common Carrier	\$7,327,645.01	\$ 37,405.32	\$ 126,795.29	\$ 18,279.31	\$ 162,360.19	\$ 15,297.08	\$7,687,782.20	\$ 178,031.70	\$7,865,813.90

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1935
OPERATING EXPENSES—ENTIRE LINE

NAME OF COMPANY OR OPERATOR TRUCK OPERATIONS— COMMON CARRIER	Maintenance of Plant and Equipment	Operating Garage Expenses	Transportation	Traffic Promotion	Administrative and General Expenses	Total Operating Expenses
A. B. C. Transfer Company, Inc.	\$ 284.18	\$	\$ 4,316.32	\$	\$ 147.14	\$ 4,747.64
Acme Freight Lines, Inc.	32,037.24	4,476.78	56,207.17	17,334.66	19,099.18	129,155.03
Akins, W. L. Transportation Co., Inc. ..	871.20	.....	.....	.....	.....	871.20
Atlanta-Florida Motor Lines, Inc.	12,417.79	.....	37,088.49	4,412.78	19,178.34	73,097.40
Bee Line Transfer Company	3,246.88	.....	6,668.96	31.12	4,342.84	14,289.80
Brown Motor Freight & Boat Lines, Inc.	6,846.80	.....	8,489.83	1,439.93	3,287.90	20,064.46
C. & H. Transfer Company	746.23	.....	3,255.58	120.00	716.20	4,838.01
Central Truck Lines, Inc.	67,079.01	.....	163,308.19	18,905.77	42,694.24	291,987.21
Chastain Transfer Line	476.27	.....	705.41	25.00	118.00	1,324.68
Coast-to-Coast System, Inc.	26,927.58	.....	77,128.90	6,487.77	22,534.22	133,078.47
Edwards Line	4,344.04	.....	7,613.61	55.90	4,703.68	16,717.23
Elliott-Young Consolidated	6,396.73	2,031.27	21,560.71	2,272.76	12,843.54	45,105.01
Five Transportation Company	13,752.39	.....	24,200.21	.....	14,107.98	52,060.58
Fogarty Brothers Transfer, Inc.	10,922.77	.....	18,462.76	2,459.98	12,724.86	44,570.37
Great Southern Trucking Company	10,904.22	.....	36,836.95	3,139.22	9,043.72	59,924.11
Green Brothers Transfer Company	2,003.59	.....	4,779.50	436.50	1,295.46	8,515.05
Griffis Truck Line	572.26	.....	1,879.27	104.00	257.60	2,813.13
Hartline Line	1,543.68	.....	2,877.19	10.11	1,370.00	5,800.98
Highway Transportation Company	182.70	.....	329.17	24.00	54.45	590.32
Hunt Truck Line	4,568.90	.....	11,307.49	1,080.17	4,943.67	21,900.23
Independent Transfer Company	5,617.07	.....	11,081.92	.....	6,290.75	22,989.74
Jacksonville Beach Truck Line	294.34	.....	1,094.35	.....	240.80	1,629.49
K. & L. Transportation Company, Inc. ..	21,552.23	.....	42,836.42	6,180.94	25,976.80	96,546.39
L. & L. Freight Lines, Inc.	39,325.66	.....	115,259.51	12,699.36	55,511.74	222,796.27
Leigh Truck Line	338.13	.....	724.28	.....	94.09	1,156.50
M. & E. Transfer Company	147.25	.....	618.75	18.00	79.50	863.50
Marshall Transfer Company	232.40	.....	320.61	31.50	105.00	689.51

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1935
OPERATING EXPENSES—ENTIRE LINE

NAME OF COMPANY OR OPERATOR TRUCK OPERATIONS— COMMON CARRIER	Maintenance of Plant and Equipment	Operating Garage Expenses	Transportation	Traffic Promotion	Administrative and General Expenses	Total Operating Expenses
Mathews Truck Line	122.83		2,125.55	35.50	488.57	2,772.45
Overseas Transportation Company, Inc.	3,681.52		7,146.18	36.60	8,152.07	19,016.37
Peters Truck Line	578.89		3,165.77	7.00	3,249.00	7,000.66
Pittman Truck Line	962.22		3,670.11		983.18	5,615.51
Ramsey Brothers Truck Line	795.60		1,231.48	761.00	491.95	3,280.03
St. Johns River Line Company	7,828.44	3,694.45	59,646.49	4,043.25	13,397.35	88,609.98
Star Truck Line (partnership)	6,003.11		18,042.95	3,106.07	6,799.33	33,951.46
Star Truck Line, Inc.	5,328.62		14,963.39	1,862.80	6,444.26	28,599.07
Tamiami Trail Tours, Inc.	42,618.61		70,340.43	5,784.99	30,065.39	148,809.42
Tarpon Truck Line	728.27		2,133.14		1,885.21	4,746.62
Union Express Freight Company	2,655.41	1,100.00	9,103.53		4,516.71	17,375.65
University City Transfer Company, Inc.	9,088.03		16,701.31	1,406.89	8,578.37	35,774.60
Total Truck Operators— Common Carrier	\$ 354,023.09	\$ 11,302.50	\$ 867,221.88	\$ 94,313.57	\$ 346,813.09	\$1,673,674.13

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1935
OPERATING EXPENSES—ENTIRE LINE

NAME OF COMPANY OR OPERATOR BUS OPERATIONS	Maintenance of Plant and Equipment	Operating Garage Expenses	Transportation	Traffic Promotion	Administrative and General Expenses	Total Operating Expenses
Atlantic Greyhound Lines	\$ 510,044.52	\$ 111,638.16	\$1,119,285.59	\$ 150,944.50	\$ 386,419.76	\$2,278,332.53
Bainbridge-Columbus Motor Lines	1,869.54	.....	2,711.61	194.10	1,060.62	5,835.87
Capital Motor Lines	37,046.50	6,914.35	50,153.16	701.37	15,688.90	110,504.28
Coleman Motor Lines	8,634.21	2,652.65	16,507.85	280.00	3,703.29	31,778.00
East Coast Stages, Inc.	74,332.79	20,975.31	187,387.29	28,725.12	95,248.20	406,668.71
Florida Motor Lines, Inc.	228,276.02	13,586.57	379,511.73	50,152.52	141,404.95	812,931.79
Glades "K" Motor Line	5,505.02	.....	6,779.94	68.75	1,818.54	14,172.25
Green's Taxi and Baggage Transfer	548.00	.....	807.55	.....	446.54	1,802.09
Gulf Coast Motor Line, Inc.	1,648.23	.....	4,878.22	.....	366.60	6,893.05
Gulf Crescent Motor Lines, Inc.	4,856.17	43.50	8,414.91	16.26	4,056.45	17,387.29
Lee Coach Line	1,037.68	1,269.72	4,649.33	72.20	1,154.60	8,183.53
McJunkin, Wayne F.	5,012.10	.....	5,294.27	.....	3,056.76	13,363.13
Pass-a-Grille Beach Bus Line	1,321.98	.....	3,246.87	.....	1,000.09	5,568.94
Rooks Coach Line	164.56	.....	263.07	.....	51.93	479.56
St. Andrews Bay Transportation Co.	8,874.34	683.68	16,465.13	611.90	3,229.76	29,864.81
Southeastern Greyhound Lines, Inc.	76,464.92	6,628.85	117,500.16	13,959.01	46,344.84	260,897.78
Southern Tours, Inc.	1,830.62	233.78	4,950.58	2,076.39	5,080.95	14,172.32
Tallahassee-Monticello Bus Line	327.13	.....	1,720.68	.....	270.63	2,318.44
Teche Lines, Inc.	288,035.81	12,442.95	372,428.72	45,647.51	147,764.87	866,319.86
Union Bus Company	180,277.19	17,856.07	240,750.07	28,226.62	106,568.22	573,678.17
Total Bus Operations— Common Carrier	\$1,436,107.33	\$ 194,925.59	\$2,543,706.73	\$ 321,076.25	\$ 964,736.50	\$5,461,152.40

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1935
TAXES—ENTIRE LINE

NAME OF COMPANY OR OPERATOR TRUCK OPERATIONS— COMMON CARRIER	On Auto Transportation Property	On Property Used in Affiliated or Auxiliary Opns.	Miscellaneous Physical Property	Total Accrued During Year	Total Paid During Year
A. B. C. Transfer Company, Inc.	\$ 913.69	\$	\$	\$ 913.69	\$ 935.91
Acme Freight Lines, Inc.	27,768.97	.....	.....	27,768.97	27,558.09
Akins, W. L. Transportation Co., Inc. ....	.....	.....	.....	.....	.....
Atlanta-Florida Motor Lines, Inc.	16,136.05	.....	.....	16,136.05	16,496.50
Bee Line Transfer Company	2,089.23	.....	.....	2,089.23	2,002.85
Brown Motor Freight & Boat Lines, Inc.	3,703.40	.....	826.28	4,589.68	4,744.24
C. & H. Transfer Company	779.82	3,195.99	.....	3,975.81	4,741.59
Central Truck Lines, Inc.	53,389.04	.....	.....	53,389.04	52,073.50
Chastain Transfer Line	250.47	11.16	.....	261.63	263.43
Coast-to-Coast System, Inc.	20,859.85	.....	.....	20,859.85	19,085.95
Edwards Line	2,856.41	.....	.....	2,856.41	2,944.92
Elliott-Young Consolidated	6,936.61	49.92	.....	6,986.53	6,856.00
Five Transportation Company	7,349.93	.....	.....	7,349.93	7,349.93
Fogarty Brothers Transfer, Inc.	6,442.80	.....	35.25	6,478.05	5,836.20
Great Southern Trucking Company	11,559.24	.....	.....	11,559.24	10,335.50
Green Brothers Transfer Company	1,498.29	285.08	.....	1,783.37	1,680.99
Griffis Truck Line	920.54	.....	.....	920.54	878.64
Hartline Line	1,309.86	.....	.....	1,309.86	1,311.07
Highway Transportation Company	479.00	.....	.....	479.00	340.75
Hunt Truck Line	4,656.68	.....	.....	4,656.68	4,544.11
Independent Transfer Company	3,148.85	.....	.....	3,148.85	3,148.85
Jacksonville Beach Truck Line	353.38	.....	.....	353.38	363.88
K. & L. Transportation Co., Inc.	15,290.39	.....	.....	15,290.39	16,452.90
L. & L. Freight Lines, Inc.	42,312.74	.....	.....	42,312.74	43,892.99
Leigh Truck Line	418.39	.....	.....	418.39	448.57
M. & E. Transfer Company	161.96	89.08	.....	251.04	248.78
Marshall Transfer Company	143.32	102.33	.....	245.65	114.94

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1935
TAXES—ENTIRE LINE

NAME OF COMPANY OR OPERATOR TRUCK OPERATIONS— COMMON CARRIER	On Auto Transportation Property	On Property Used in Affiliated or Auxiliary Opns.	Miscellaneous Physical Property	Total Accrued During Year	Total Paid During Year
Mathews Truck Line	617.52			617.52	627.52
Overseas Transportation Co., Inc.	1,854.58			1,854.58	1,854.58
Peters Truck Line	1,049.30			1,049.30	1,049.30
Pittman Truck Line	1,614.38			1,614.38	1,607.28
Ramsey Brothers Truck Line	543.96			543.96	545.14
St. Johns River Line Company	11,196.76		11,349.04	22,545.80	22,921.15
Star Truck Line (partnership)	4,520.75			4,520.75	4,577.43
Star Truck Line, Inc.	4,639.10			4,639.10	4,559.05
Tamiami Trail Tours, Inc.	30,250.46			30,250.46	30,438.71
Tarpon Truck Line	488.52			488.52	488.52
Union Express Freight Company	2,071.73			2,071.73	2,071.73
University City Transfer Co., Inc.	6,712.37		20.00	6,732.37	6,660.81
Total Truck Operations— Common Carrier	\$ 297,348.34	\$ 3,733.56	\$ 12,230.57	\$ 313,312.47	\$ 312,052.30

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1935
TAXES—ENTIRE LINE

NAME OF COMPANY OR OPERATOR BUS OPERATIONS	On Auto Transportation Property	On Property Used in Affiliated or Auxiliary Opns.	Miscellaneous Physical Property	Total Accrued During Year	Total Paid During Year
Atlantic Greyhound Lines	\$ 485,526.58	\$	\$	\$ 485,526.58	\$ 467,996.64
Bainbridge-Columbus Motor Lines	604.41	.....	110.00	714.41	604.41
Capital Motor Lines	20,687.11	.....	.....	20,687.11	19,297.48
Coleman Motor Lines	5,630.20	.....	.....	5,630.20	5,630.20
East Coast Stages, Inc.	75,174.48	.....	.....	75,174.48	79,837.79
Florida Motor Lines, Inc.	169,840.33	.....	.....	169,840.33	174,059.90
Glades "K" Motor Line	2,617.35	.....	.....	2,617.35	2,711.28
Green's Taxi and Baggage Transfer	600.95	.....	.....	600.95	600.95
Gulf Coast Motor Line, Inc.	1,532.70	.....	.....	1,532.70	1,532.70
Gulf Crescent Motor Lines, Inc.	4,418.40	.....	.....	4,418.40	4,418.40
Lee Coach Line	1,920.06	.....	.....	1,920.06	1,872.99
McJunkin, Wayne F.	2,692.18	.....	.....	2,692.18	2,724.17
Pass-a-Grille Beach Bus Line	1,005.45	.....	.....	1,005.45	1,028.13
Rooks Coach Line	168.24	.....	.....	168.24	152.89
St. Andrews Bay Transportation Co.	10,115.59	.....	.....	10,115.59	9,320.22
Southeastern Greyhound Lines, Inc.	62,795.33	.....	.....	62,795.33	59,759.69
Southern Tours, Inc.	1,474.20	.....	.....	1,474.20	1,487.71
Tallahassee-Monticello Bus Line	423.24	.....	.....	423.24	427.30
Teche Lines, Inc.	214,095.68	.....	.....	214,095.68	200,844.86
Union Bus Company	110,097.91	.....	.....	110,979.91	93,946.30
Total Bus Operations— Common Carrier	\$1,172,302.39	\$	\$ 110.00	\$1,172,412.39	\$1,128,254.01

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1935
MILEAGE, TRAFFIC AND MISCELLANEOUS STATISTICS—ENTIRE LINE

NAME OF COMPANY OR OPERATOR TRUCK OPERATIONS— COMMON CARRIER	Average Miles or Road Operated	REVENUE MILES				REVENUE PASSENGERS CARRIED		TONS OF FREIGHT CARRIED	
		PASSENGER BUSES		Freight Express and Mail Trucks	Truck Trailers	Regular Tariff Rate	Excursion or Special Rate	Revenue	Non-revenue
		Regular Service	Excursion or Special						
A. B. C. Transfer Company, Inc.	44			25,418				2,221	2
Acme Freight Lines, Inc.	718			953,704	176,472			14,769	
Akins, W. L. Transportation Co., Inc.									
Atlanta-Florida Motor Lines, Inc.	325			623,290				8,679	
Bee Line Transfer Company	28			47,488				7,251	
Brown Motor Freight & Boat Lines, Inc.	472			109,238	15,444			2,185	
C. & H. Transfer Company	23			26,658				811	
Central Truck Lines, Inc.	3,038			1,411,146	597,712			32,750	
Chastain Transfer Line	35			5,883				180	
Coast-to-Coast System, Inc.	975			1,032,884				13,599	
Edwards Line	332			125,720				3,102	
Elliott-Young Consolidated	180			209,239				6,088	
Five Transportation Company	437			227,864				10,894	
Fogarty Brothers Transfer, Inc.	56			138,756	13,897			7,314	
Great Southern Trucking Company	1,900			449,866				5,152	
Green Brothers Transfer Company	28			35,056				2,031	
Griffis Truck Line	70			41,647				460	
Hartline Line	120			63,876				1,061	
Highway Transportation Company	53			16,485				253	
Hunt Truck Line	300			117,643				3,038	
Independent Transfer Company	154			188,240				3,015	
Jacksonville Beach Truck Line	21			13,776				516	
K. & L. Transportation Company, Inc.	806			770,623	63,230			18,381	

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1935
MILEAGE, TRAFFIC AND MISCELLANEOUS STATISTICS—ENTIRE LINE

NAME OF COMPANY OR OPERATOR TRUCK OPERATIONS— COMMON CARRIER	Average Miles of Road Operated	REVENUE MILES				REVENUE PASSENGERS CARRIED		TONS OF FREIGHT CARRIED	
		PASSENGER BUSES		Freight Express and Mail Trucks	Truck Trailers	Regular Tariff Rate	Excursion or Special Rate	Revenue	Non-revenue
		Regular Service	Excursion or Special						
L. & L. Freight Lines, Inc.	818			822,160	411,079			14,400	10
Leigh Truck Line	27			13,654				290	
M. & E. Transfer Company	23			4,688				195	
Marshall Transfer Company	23			4,600				127	
Mathews Truck Line	28			18,398				861	
Overseas Transportation Co., Inc.	130			36,674	8,650			2,392	
Peters Truck Line	38			41,958				1,157	
Pittman Truck Line	164			56,418				770	
Ramsey Brothers Truck Line	69			21,191				401	
St. Johns River Line Company	412			316,267	134,729			27,513	
Star Truck Line (partnership)	469			148,322	32,250			4,921	
Star Truck Line, Inc.	469			139,283	46,427			4,536	
Tamiami Trail Tours, Inc.	550	118,714	5,109	594,759	359,676	15,571	150	15,559	
Tarpon Truck Line	29			17,806				663	
Union Express Freight Company	118			77,500				240	
University City Transfer Company, Inc.	263			179,908	79,728	166		5,164	
Total Truck Operations— Common Carrier	13,745	118,714	5,109	9,128,086	1,939,294	15,737	150	222,939	17

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1935
MILEAGE, TRAFFIC AND MISCELLANEOUS STATISTICS—ENTIRE LINE

NAME OF COMPANY OR OPERATOR BUS OPERATIONS	Average Miles of Road Operated	REVENUE MILES				REVENUE PASSENGERS CARRIED		TONS OF FREIGHT CARRIED	
		PASSENGER BUSES		Freight Express and Mail Trucks	Truck Trailers	Regular Tariff Rate	Excursion or Special Rate	Revenue	Non-revenue
		Regular Service	Excursion or Special						
Atlantic Greyhound Lines	5,225	13,461,820	65,477			2,527,135	26,962		
Bainbridge-Columbus Motor Lines	178	56,490				7,959			
Capital Motor Lines	785	996,613	768			175,746	121		
Coleman Motor Lines	334	517,475				42,837			
East Coast Stages, Inc.	1,281	2,525,398	11,137			399,687	4,460		
Florida Motor Lines, Inc.	2,061	4,675,314	147,053			835,056	18,066		
Glades "K" Motor Line	304	220,396				11,846	217		
Green's Taxi and Baggage Transfer ..	7	1,700		8,101	5,444	1,195		35	
Gulf Coast Motor Line, Inc.	37	86,642				13,492			
Gulf Crescent Motor Lines, Inc.	232	133,920				10,350			
Lee Coach Line	337	147,633				10,301	1		
McJunkin, Wayne F.	34	57,521		21,000		3,700		433	
Pass-a-Grille Beach Bus Line	22	55,912				30,469			
Rooks Coach Line	50	13,070				645			
St. Andrews Bay Transportation Co.	226	304,484		79,492		45,178		830	25
Southeastern Greyhound Lines, Inc.	1,204	1,648,762	17,530			270,312			
Southern Tours, Inc.		36,438	203			2,471	13		
Tallahassee-Monticello Bus Line	24	32,884				1,615			
Teche Lines, Inc.	1,983	5,666,171	69,636			1,528,315	10,299		
Union Bus Company	1,913	3,354,959	36,935			477,658	4,295		
Total Bus Operations— Common Carrier	16,237	33,993,602	348,739	108,593	5,444	6,395,967	64,434	1,298	25



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